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NATIONALITY LAWS

OF VARIOUS COUNTRIES
AS CONTAINED IN CONSTITUTIONS, STATUTES
AND TREATIES

Edited by
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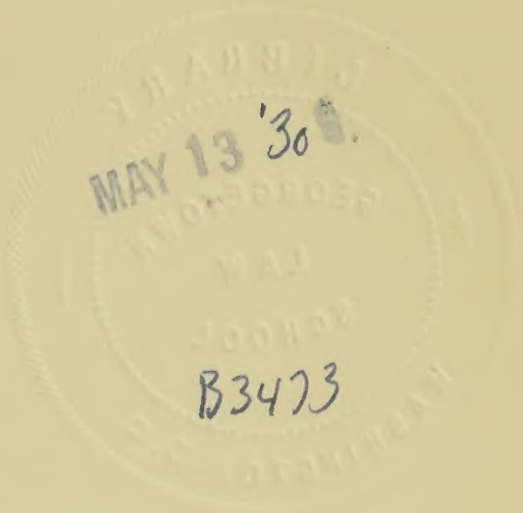

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RESEARCH IN INTERNATIONAL LAW

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PREFACE

This compilation of the texts of the laws of various countries and of the treaties between various countries, relating to nationality, has been made in connection with the work of the Research in International Law conducted under the auspices of the Faculty of the Harvard Law School. This Research was organized to prepare draft conventions on the subjects of Nationality, Responsibility of States for Damage Done in their Territory to the Person or Property of Foreigners, and Territorial Waters—the three subjects selected by the Assembly of the League of Nations in 1927 for the agenda of a First Conference on the Codification of International Law to be held at The Hague in 1930. The draft conventions which were prepared were published in April, 1929, in a separate volume, and reprinted in 23 *American Journal of International Law* (*Special Supplement*, April, 1929).

In the preparation of the draft convention on the law of nationality, it was found necessary to assemble the texts of the laws of the various countries. While some of these texts are available in the publications of various governments, and while some of them have been collected in the *British Parliamentary Papers*,[1] the texts of the laws of many countries are not readily available to jurists and scholars. The editors of this volume therefore undertook to collect the texts, and to make them accessible (in English) for the use of the forthcoming Conference on Codification of International Law. The Secretary of State of the United States and other officials of the Department of State have assisted the editors by permitting them to use the texts and translations of laws received in recent years from the representatives of the United States in other countries, and by allowing them to avail themselves of other facilities in the Department of State.

The editors have in some cases made use of texts and translations published in periodicals, but the principal reliance has been placed upon material obtained from official sources. Whenever possible, official publications have been consulted. The laws of some countries seem to use the terms "citizen" and "citizenship", or their equivalents, as synonyms for the terms "national" and "nationality"; while the laws of other countries distinguish "nationality" from "citizenship", or the capacity to exercise civic functions. The texts in this collection should be used with this difference in mind.

The compilation of treaties contains provisions taken from twelve multipartite and fifty-four bipartite treaties concerning nationality. They relate principally to the status and obligations of persons born with dual nation-

[1] *British Parliamentary Papers*, Cd. 7027 (1893), Cmd. 1771 (1922), Cmd. 2852 (1927), Cmd. 3221 (1928). His Britannic Majesty's Government very generously gave permission for the reprinting in this volume of the texts contained in the Parliamentary Papers.

ality, of persons born in the territory of a state who do not acquire at birth the nationality of other states, and of persons who have acquired the nationality of states through individual naturalization. While some of these treaties have provisions relating to collective naturalization resulting from transfers of territory, it was not deemed practicable to attempt to include all treaties having such provisions.

Effort has been made to procure from each country the texts of the laws and treaties now in force. Regulations and instructions of a purely administrative character have not been included. In some instances it may be found that the texts published herein do not include the text of the latest nationality law, although, in view of the careful verification of the lists of laws shortly before this publication went to print, it is not believed that there are many such omissions. Some of the translations may also need correction. But for most practical purposes, the text published should serve. While it might have been a more desirable course that the laws of the various countries should have been collected and published by an international authority, in the original language as well as in translation, that course has not seemed practicable, and the editors hope that this volume may be useful until a more adequate compilation can be made.

The editors desire to express their appreciation of assistance rendered by various persons in the preparation of this volume. Mr. John Maktos of the Department of State has rendered valuable assistance in preparing the editors' notes and bibliographies, in assembling the texts and in making the analytical index. Mrs. Ruth B. Shipley, Chief of the Passport Division, Department of State, has kindly permitted the editors to avail themselves of certain facilities of the Division. Mr. Eugene C. Rowley and Mr. Thomas F. Farrell of the Department of State have been very helpful in the difficult task of selecting the laws and treaties to be included and in preparing the material for printing, and Messrs. John S. Martin and Burton H. Lamore, in the preparation of the translations. Messrs. E. L. Packer, John J. Scanlan and Raymond T. Yingling of the Department of State have also rendered valuable assistance in various ways. Special acknowledgment must also be made of the assistance of Mr. Henry B. Hazard, General Counsel of the Bureau of Naturalization, Department of Labor, in assembling the texts of the laws of certain countries and in arranging and annotating the laws of the United States.

The editors would be grateful for suggestions which would enable them to correct errors or make additions in a future edition of this collection.

Richard W. Flournoy, Jr.
Manley O. Hudson.

November 1, 1929.

TABLE OF CONTENTS

PAGE

SELECTED BIBLIOGRAPHY xix

LIST OF ABBREVIATIONS xxii

PART I. PROVISIONS IN CONSTITUTIONS AND STATUTES RELATING TO NATIONALITY

AFGHANISTAN
Code of August, 1921 3

ALBANIA
Civil Code, effective April 1, 1929 5

ARGENTINE REPUBLIC 9
Constitution of 1860 10
Law No. 346, of October 8, 1869 10
Decree of October 8, 1920 12

AUSTRIA 14
Law of December 5, 1896 15
Federal Constitutional Law No. 272, of July 30, 1925, relative to acquisition of state citizenship and *Heimatrecht* by entering upon the office of instructor in a public higher institution of learning 17
Federal Law No. 285, of July 30, 1925, concerning the acquisition and loss of provincial and federal rights of citizenship 17
Federal Law No. 286, of July 30, 1925, concerning modification and completion of the law of December 3, 1863, relative to regulation of conditions as to domicile, and the law of December 5, 1896, as well as the enforcement of Section 14 of the constitutional law of October 1, 1920, concerning the transition to the federal state constitution (Supplementary law concerning *Heimatrecht*, 1925) 22
Federal Law of June 8, 1927, supplementary to the federal law of July 30, 1925 concerning the acquisition and loss of federal and provincial citizenship 24
Federal Law of December 20, 1928, concerning modification and completion of several provisions relative to *Heimatrecht* (Supplementary law relative to *Heimatrecht*, 1928) 25

BELGIUM 27
Constitution of February 7, 1831 28
Law of May 15, 1922, regarding acquisition and loss of nationality 29
Instructions concerning naturalization—Ministerial Circulars of July 31, 1923, issued by the Ministry of Justice 35
Law of August 4, 1926, relative to the acquisition, recovery and loss of nationality 38

BELGIAN CONGO
Civil Code of 1892 42
Order of the Secretary of State, March, 1901 43
Decree of June 21, 1904. Natives of the Congo 44

BOLIVIA
Constitution of October 17, 1880 45
Civil Code of 1830 46

BRAZIL 47
Constitution of 1891 48
Legislative Decree No. 569, of June 7, 1899 49
Legislative Decree No. 904, of November 12, 1902, relating to citizenship, naturalization, certificates of Brazilian citizenship, expatriation and resumption of nationality 50
Legislative Decree No. 1805, of December 12, 1907 53
Presidential Decree No. 6948, of May 14, 1908 54
Regulations pertaining to Decree No. 6948, of May 14, 1908 54
Legislative Decree No. 2004, of November 26, 1908 58

PAGE

BRITISH EMPIRE
GREAT BRITAIN AND NORTHERN IRELAND 59
Nationality and Status of Aliens Act, 1914, as amended by the British Nationality and Status of Aliens Acts, 1918 and 1922 61

DOMINION OF CANADA
Immigration Act of 1910 73
Naturalization Act of 1914. An Act respecting British nationality, naturalization and aliens 75
Canadian Nationals Act of 1921. An Act to define Canadian nationals and to provide for the renunciation of Canadian nationality 86

COMMONWEALTH OF AUSTRALIA
The Nationality Act 1920–1925, being the Nationality Act 1920, as amended by the Nationality Act 1922, and by the Nationality Act 1925 88

DOMINION OF NEW ZEALAND
British Nationality and Status of Aliens (in New Zealand) Act, 1928 104

UNION OF SOUTH AFRICA
British Nationality in the Union and Naturalization and Status of Aliens Act of 1926 116
Act No. 40, of November 11, 1927 127

IRISH FREE STATE
Constitution of December 6, 1922 130

BRITISH INDIA
Act No. 7, of February 26, 1926, of the Supreme Council in India 131

NEWFOUNDLAND
Of the Naturalization of Aliens, Consolidated Statutes, Third Series (1916), Chapter 78 137
The British Nationality and Status of Aliens Act, 1929. An act to amend Chapter 78 of the Consolidated Statutes, Third Series, entitled "Of the Naturalization of Aliens" 144

HONGKONG
Ordinance No. 44 of 1902, as amended by Ordinance No. 50 of 1911 and Nos. 1 and 8 of 1912, relating to the naturalization of aliens 149

PALESTINE (Mandated Territory)
Order of July 24, 1925 151

SOUTHWEST AFRICA (Mandated Territory)
Act No. 30 of 1924, concerning the naturalization of aliens in the mandated territory of Southwest Africa and other matters incidental thereto 158
Act No. 27, of June 7, 1928, to extend and amend the law relating to the naturalization of aliens in the mandated territory of Southwest Africa 159

BULGARIA
Constitution of April 16–29, 1879, as amended May, 1893, and July, 1911 161
Law of December 31, 1903, concerning Bulgarian nationality, as amended on January 12, 1908, December 8, 1911, and July 24, 1924 162

CHILE
Constitution of September 18, 1925 170
Decree Law No. 747, of December 15, 1925 171

CHINA 174
Revised Law of Nationality of February 5, 1929 175

COLOMBIA
Constitution of 1886 179
Law 145, of November 26, 1888 181

COSTA RICA
Constitution of December 7, 1871 184
Decree of July 6, 1888 185
Law of May 13, 1889, concerning alienship and naturalization 185

PAGE

COSTA RICA—*Continued*
Law of June 29, 1909, concerning alienship and naturalization 189
Law of June 29, 1909, concerning inscription of Central American nationals 189

CUBA
Constitution of February 21, 1901 191
Civil Code of 1888–1889 193
Law of December 15, 1902, concerning naturalization 195
Law No. 859, of August 26, 1908 196
Law of July 1, 1929 199

CZECHOSLOVAK REPUBLIC
Constitution of February 29, 1920 200
Constitutional Law No. 236, of April 9, 1920 200
Constitutional Law No. 152 of July 1, 1926, concerning the admission of certain persons to Czechoslovak citizenship 205

DANZIG, FREE CITY OF
Law of May 30, 1922, concerning the acquisition and loss of Danzig nationality .. 209

DENMARK 213
Law of March 25, 1871 214
Law of April 18, 1925, concerning the acquisition and loss of Danish nationality 214

DOMINICAN REPUBLIC
Constitution of June 20, 1929 217
Law No. 1227, of December 4, 1929 218

ECUADOR
Constitution of March 26, 1929 221
Law of October 18, 1921, as amended September 17, 1925 223

EGYPT
Decree Law No. 19, of February 27, 1929, concerning Egyptian nationality 225

ESTONIA
Law No. 87, of October 27, 1922 231

ETHIOPIA 236

FINLAND
Constitution of July 17, 1919 237
Law of February 20, 1920, concerning naturalization of foreigners as Finnish citizens 237
Regulations of February 20, 1920, promulgated in pursuance of Article 7 of the law of February 20, 1920 238
Law of June 17, 1927, regarding the loss of Finnish citizenship 239

FRANCE 241
Law of August 10, 1927 245
Decree of August 10, 1927 252

FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE, AND RÉUNION)
Decree of November 5, 1928. Determination, except with respect to natives, of conditions for the enjoyment of civil rights, the acquisition, loss and recovery of the status of Frenchman in the colonies other than Guadeloupe, Martinique and Réunion 257

ALGERIA
Senatus-Consultum of July 14, 1865, concerning the status of persons and naturalization in Algeria 269
Decree of October 24, 1870, concerning naturalization of native Mussulmans and foreigners residing in Algeria 269
Decree of October 24, 1870, which declares the native Israelites of Algeria French citizens 270
Law of March 25, 1915, relating to the acquisition of French citizenship by French subjects not natives of Algeria and French protégés not natives of Tunis or Morocco, who reside in France, Algeria, or a colony other than their country of origin 270

PAGE

ALGERIA—*Continued*
Law of February 4, 1919, concerning the acquisition by Algerian natives of French citizenship 271

FRENCH INDO-CHINA (COCHIN CHINA)
Decree of May 26, 1913, as modified by the law of September 4, 1919, establishing the conditions necessary to obtain the quality of French citizenship 275
Circular of the Minister of Colonies of June 8, 1914, concerning the decree of May 26, 1913, re the French naturalization of Indo-China natives 277
Decree of March 28, 1918, modifying for Indo-China Articles 8 and 339 of the Civil Code 278
Decree of November 4, 1928. Status of persons of mixed blood born in Indo-China of legally unknown parents 278

MADAGASCAR
Decree of March 3, 1909, fixing the conditions of accession of the natives of Madagascar to the rights of French citizenship 281
Decree of November 25, 1913, determining the conditions of accession to a foreign nationality by French subjects or protégés, natives of possessions other than Algeria, Morocco and Tunis 282
Decree of November 7, 1916, relative to the acknowledgment of natural half-breed children in Madagascar and dependencies 283

MOROCCO
Convention as to protection in Morocco, signed at Madrid, July 3, 1880 288
Decree of April 29, 1920, relating to French naturalization of foreigners residing in Morocco 288
Dahir of November 8, 1921, concerning Moorish nationality 291
Decree of November 8, 1921, concerning French citizenship in the French zone of the Shereefian Empire 291

OCEANIA
Decree of April 24, 1919, modifying for the establishments of Oceania Articles 8 and 339 of the Civil Code 292

TUNIS
Decree of June 19, 1914 (26 Redjeb 1332) on Tunisian nationality 293
Decree of November 8, 1921 (7 Rabia-El-Aoual 1340) 293
Law of December 20, 1923, relating to the acquisition of French citizenship in the Regency of Tunis 293

GREATER LEBANON (Mandated Territory)
Order No. 15/S of January 19, 1925 298
Ordinances Nos. 2825/2825bis concerning Turkish subjects established in Greater Lebanon 299

SYRIA (Mandated Territory)
Order No. 16/S of January 19, 1925 301
Ordinances Nos. 2825/2825bis concerning Turkish subjects established in Syria. 303

GERMANY 304
Constitution of August 11, 1919 305
Law of Nationality of July 22, 1913 306

GREECE 314
Law No. 391, of October 29, 1856, as amended by the decree law of September 13, 1926, which was confirmed by the decree of August 12, 1927 315
Decree of August 21, 1911 318
Law of September 10, 1925, concerning the modification of the provisions respecting the naturalization of foreigners 318
Law of September 13, 1926, confirmed by the decree of August 12, 1927 319
Decree Law of October 15, 1927, amending the decree law of September 10, 1925. 320

GUATEMALA
Constitution of 1879, as revised in 1887, 1897, 1927 321
Law of February 21, 1894 322
Decree No. 867, of July 11, 1924 324
Civil Code of 1926 325

PAGE

HAITI 326
Constitution of June 12, 1918 327
Civil Code of May 1, 1826, as modified by the law of September 5, 1860 327
Law of August 22, 1907 327

HEJAZ
Law of September 24, 1926 331

HONDURAS
Constitution of September 10, 1924 332
Law No. 31, of February 4, 1926 334

HUNGARY
Law of December 20, 1879, concerning the acquisition and loss of Hungarian citizenship 337

ICELAND
Law of October 6, 1919, concerning the acquisition and loss of nationality 344
Law of June 15, 1926, concerning the acquisition and loss of citizenship 346

IRAQ
Law of October 9, 1924 348
Law of February 25, 1925 351
Regulations of October 1, 1926 352
Ordinance of October 28, 1926 358
Notification by the Ministry of Interior, 1927 359
Regulation of July 3, 1927 359
Law of 1928 360

ITALY 361
Law of June 13, 1912 363
Royal Decree No. 949, of August 2, 1912, embodying the regulations for the execution of the law upon Italian citizenship 367
Law No. 43, of January 29, 1922, regarding the acquisition of Italian citizenship in the new provinces 369
Law of September 10, 1922, providing for the granting of Italian citizenship to certain categories of persons 371
Decree No. 1245, of June 7, 1923, extending to the new provinces the law and regulations in regard to citizenship 371
Decree No. 1781, of October 16, 1924, extending the time limit within which inhabitants of annexed provinces may opt for Italian or foreign nationality 372
Law No. 1854, of October 15, 1925, concerning acquisition of Italian citizenship by the inhabitants of the Dodecanese, in accordance with the dispositions of the Treaty of Lausanne 373
Law No. 15, of January 10, 1926, concerning the loss of Italian nationality 373
Law No. 108, of January 31, 1926, effecting modifications and additions to Law No. 555, of June 13, 1912, in regard to citizenship 374
Law No. 1378, of March 13, 1927, concerning the citizenship of natives of the Italian islands of the Aegean 375
Law of May 12, 1927, concerning citizenship of persons settled in the territory of Fiume 375
Law No. 1013, of June 26, 1927, regarding Italian Lybian citizenship 379
Decree No. 2067, of October 27, 1927, concerning the application to the new provinces of the law of citizenship 380

JAPAN
Law No. 21, of July 9, 1898 381
Law No. 66, of March, 1899, as revised by Law No. 27, of March, 1916, and by Law No. 19, of July, 1924, effective from December 1, 1924 382
Law No. 94, of March 29, 1899, concerning the rights of persons who have lost Japanese nationality 386
Regulations (Ordinance No. 26) of November 17, 1924 386

JUGOSLAVIA (formerly Kingdom of the Serbs, Croats and Slovenes)
Law of nationality of September 21, 1928 389
Law of September 6, 1929, regarding the organization of the army and the navy 402

PAGE

LATVIA
Law of August 23, 1919 405
Law of October 7, 1921 406
Law of June 2, 1927 407

LIBERIA
Constitution of July 26, 1847, as amended May 7, 1907 410
Law of January 6, 1908 410
Law of February 8, 1922 413
Circular of August 5, 1924, issued by the Department of Justice 415

LITHUANIA
Constitution of May 15, 1928 416
Provisional Law of January 9, 1919 417
Law of March 29, 1920, supplementing the Provisional Law 418
Law of June 9, 1922 418

LUXEMBURG
Constitution of October 17, 1868 419
Civil Code of 1807 420
Law of November 12, 1848, as amended by law of January 27, 1878 421
Law of December 12, 1859, relative to the application of Article 9 of the Civil Code 423
Law of January 27, 1878 423
Law of February 5, 1890 424
Law of March 14, 1905, modifying Article 9 of the Civil Code relative to declarations of citizenship 424
Law of March 15, 1918, modifying Article 17 of the Civil Code 425

MEXICO
Constitution of 1917 426
Law of May 28, 1886, concerning alienship and naturalization 427

MONACO
Civil Code of November 6, 1913 436

NETHERLANDS
Law of December 12, 1892, as amended by the Acts of July 8, 1907, February 10, 1910, July 15, 1910, and December 31, 1920 440
Law of February 10, 1910, as amended by the Act of June 10, 1927 446

NICARAGUA
Constitution of November 10, 1911 448
Law of February 18, 1861 450
Presidential Decree of March 30, 1875 451
Law of October 3, 1894, regarding alienship 452

NORWAY
Law of August 8, 1924, relating to Norwegian nationality 453

PANAMA
Constitution of February 13, 1904 458
Law of August 22, 1916, effective July 1, 1917. Title III, Administrative Code 459
Civil Code of July 1, 1917 467
Law No. 24, of November 9, 1926, amending Article 167 of the Administrative Code 468
Act of October 19, 1928, replacing Article 6 of the National Constitution 468

PARAGUAY
Constitution of November 25, 1870 470
Law No. 559, of November 14, 1923 472

PERSIA
Law of September 7, 1929 473

PERU
Constitution of December 27, 1919 477
Civil Code of 1852 478

PAGE

POLAND
Constitution of March 17, 1921 479
Law of January 20, 1920 479
Order of June 7, 1920, issued by the Minister of the Interior relative to enforcement of law of January 20, 1920 482
Regulations of July 13, 1920 487
Order No. 540, of August 11, 1920 489

PORTUGAL
Civil Code of 1867 490
Decree of December 2, 1910, regulating the granting of naturalization papers 492
Decree of March 28, 1911 494

RUMANIA
Constitution of March 28, 1923 495
Law of February 23, 1924 497
Law of May 29, 1928, modifying Article 67 of law concerning acquisition and loss of Rumanian nationality 508

(RUSSIA) UNION OF SOVIET SOCIALIST REPUBLICS 510
Law of December 15, 1921 511
Decree No. 202, of October 29, 1924, regarding Union citizenship 511
Law No. 581, of November 13, 1925 514

EL SALVADOR
Constitution of August 13, 1886 516
Law of April 3, 1900 518

SIAM
Naturalization Law 130, of May 18, 1911 522
Nationality Law, April 10, 1913 (Buddha Year 2456) 524

SPAIN
Constitution of June 30, 1876 526
Law I of Title XI, Book VI, Don Philip IV, in Madrid in 1623 527
Law III, Title XI, Book VI, Don Philip V, March 8, 1716 528
Order of August 14, 1841 529
Royal Decree of November 17, 1852, concerning status of aliens 530
Law of July 4, 1870, determining the nature and conditions, civil and political, of aliens in the Spanish provinces beyond the seas 531
Civil Laws of 1889 537
Royal Decree of November 6, 1916 540
Royal Decree of December 20, 1924 543

SWEDEN
Law No. 130, of May 23, 1924, respecting the acquisition and the loss of citizenship 545
Royal Decree No. 525, of December 19, 1924, providing regulations for application for citizenship 550
Royal Decree of December 19, 1924, providing certain regulations regarding the law of May 23, 1924 552
Royal Decree of December 19, 1924, containing certain changes in Decree No. 476, of December 3, 1915 552

SWITZERLAND 555
Federal Constitution of May 29, 1874, as amended on May 20, 1928 556
Federal Decree of June 25, 1903, concerning the acquisition of citizenship and relinquishment of same 557
Civil Code of December 10, 1907 560
Federal Law of June 26, 1920, concerning alteration of Article 2 of the Federal Law of June 25, 1903, re acquiring the rights of Swiss citizenship and relinquishment of same 561
Instruction of February, 1923, concerning acquiring of the permission of the Federal Council for naturalization in Switzerland as well as application for renaturalization (Federal Law of June 25, 1903 and June 26, 1920) 562

TURKEY 567
Constitution, May 24, 1924 568
Law of Nationality of January 19, 1869 568

PAGE

TURKEY—*Continued*
Law No. 1041, of May 23, 1927 569
Law of May 28, 1928 570
Law of April 6, 1929, amending Article 4 of the law of May 28, 1928 572

UNITED STATES OF AMERICA 573
Constitution of 1789 576
Law of April 14, 1802, as reenacted in Revised Statutes, 1878, Section 2172 576
Law of March 3, 1813, as reenacted in Revised Statutes, 1878, Section 2170.... 576
Law of February 10, 1855, as reenacted in Revised Statutes, 1878, Section 1993. 577
Law of February 10, 1855, as reenacted in Revised Statutes, 1878, Section 1994. 577
Law of July 17, 1862, as reenacted in Revised Statutes, 1878, Section 2166..... 577
Law of March 3, 1865, as reenacted in Revised Statutes, 1878, Section 1996.... 577
Law of April 9, 1866, as reenacted in Revised Statutes, 1878, Section 1992..... 577
Treaty between the United States and Russia ceding Alaska to the United States, March 30, 1867 578
Law of July 27, 1868, as reenacted in Revised Statutes, 1878, Sections 1999, 2000, 2001 578
Law of May 18, 1872, as reenacted in Revised Statutes, 1878, Section 1995..... 579
Act of February 18, 1875, as reenacted in Revised Statutes, 1878, Section 2169.. 579
Law of May 6, 1882 579
Law of April 30, 1900, concerning Hawaii 579
Law of June 29, 1906, as amended in 1918 and 1926 580
Law of March 2, 1907 600
Law of March 4, 1909 602
Law of February 24, 1911 604
Law of August 22, 1912 604
Law of March 4, 1913 604
Law of May 22, 1917 605
Law of May 9, 1918 605
Law of July 9, 1918 607
Law of 1919 608
Law of September 22, 1922 608
Law of June 2, 1924 609
Law of May 25, 1926 610
Law of May 26, 1926 610
Law of March 2, 1929 610
Law of March 4, 1929 616

PHILIPPINE ISLANDS
Treaty between the United States and Spain, December 10, 1898 617
United States Law of July 1, 1902 617
United States Law of August 29, 1916 617
Act of March 26, 1920 618
Act of November 30, 1928 622

PORTO RICO
United States Law of April 12, 1900 623
United States Law of March 2, 1917 623
United States Law of March 4, 1927 624

VIRGIN ISLANDS
Treaty between the United States and Denmark, August 4, 1916 625
United States Law of February 25, 1927 625

URUGUAY
Constitution of January 3, 1918 627
Law of July 20, 1874, regulating Chapter I of the Constitution 628
Decree of January 21, 1921, authorizing the manner in which the respective authorities may issue passports to an alien woman married to a Uruguayan citizen 628
Law of February 1, 1928 629

VATICAN CITY
Law of June 7, 1929, relative to citizenship and sojourn 636

PAGE

VENEZUELA 639
Constitution of May 29, 1929 640
Civil Code of July 13, 1922 640
Law of July 13, 1928 641

PART II. TREATIES, CONVENTIONS AND OTHER AGREEMENTS CONCERNING NATIONALITY AND MILITARY SERVICE

I. MULTIPARTITE

1906, August 13. Convention signed at Rio de Janeiro. Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, United States of Mexico, Nicaragua, Panama, El Salvador, United States of America, Uruguay 645
1919, June 28. Treaty signed at Versailles. Allied and Associated Powers and Germany 646
1919, June 28. Treaty signed at Versailles. Poland and the Principal Allied and Associated Powers 646
1919, September 10. Treaty signed at St. Germain-en-Laye. Allied and Associated Powers and Austria 647
1919, September 10. Treaty signed at St. Germain-en-Laye. Principal Allied and Associated Powers and the Serb-Croat-Slovene State 647
1919, September 10. Treaty signed at St. Germain-en-Laye. Principal Allied and Associated Powers and Czechoslovakia 648
1919, November 27. Treaty signed at Neuilly-sur-Seine. Allied and Associated Powers and Bulgaria 648
1919, December 9. Treaty signed at Paris. Principal Allied and Associated Powers and Rumania 649
1920, June 4. Treaty signed at Trianon. Allied and Associated Powers and Hungary 649
1922, April 6. Convention signed at Rome. Austria, Czechoslovakia, Hungary, Italy, Poland, Rumania, the Serb-Croat-Slovene State 650
1923, February 7. Treaty signed at Washington. Costa Rica, Guatemala, Honduras, Nicaragua, El Salvador 651
1928, February 20. Convention signed at Habana. Argentina, Bolivia, Brazil, Cuba, Chile, Costa Rica, Colombia, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Paraguay, Peru, El Salvador, Uruguay, Venezuela 651

II. BIPARTITE

Great Britain—Guatemala. Agreement of January–April, 1859 656
El Salvador—Spain. Exchange of Notes, June 15, 1866 659
North German Union—United States of America. Treaty signed at Berlin, February 22, 1868 660
Bavaria—United States of America. Treaty signed at Munich, May 26, 1868.. 661
Grand Duchy of Baden—United States of America. Treaty signed at Carlsruhe, July 19, 1868 663
United States of America—The Kingdom of Württemberg. Treaty signed at Stuttgart, July 27, 1868 665
Grand Duchy of Hesse—United States of America. Treaty signed at Darmstadt, August 1, 1868 666
Belgium—United States of America. Treaty signed at Brussels, November 16, 1868 667
Norway and Sweden—United States of America. Convention and Protocol signed at Stockholm, May 26, 1869 667
Great Britain—United States of America. Convention signed at London, May 13, 1870 669
Austro-Hungarian Empire—United States of America. Convention signed at Vienna, September 20, 1870 670
Great Britain—United States of America. Supplemental Convention signed at Washington, February 23, 1871 672
Denmark—United States of America. Convention signed at Copenhagen, July 20, 1872 673
Costa Rica—Italy. Convention signed at Rome, May 6, 1873 674

PAGE

II. BIPARTITE—*Continued*
France—Switzerland. Convention signed at Paris, July 23, 1879 674
El Salvador—Spain. Treaty signed at San Salvador, March 2, 1885 675
Argentina—Sweden and Norway. Treaty signed at Vienna, July 17, 1885 676
Germany—Guatemala. Treaty signed at Guatemala, September 20, 1887 676
Italy—Mexico. Convention signed at Mexico, August 20, 1888 677
Bolivia—Italy. Treaty signed at Lima, October 18, 1890 677
France—Spain. Declaration signed at Madrid, May 12, 1892 678
Colombia—Spain. Treaty signed at Bogota, April 28, 1894 679
Germany—Nicaragua. Treaty signed at Managua, February 4, 1896 679
Japan—Spain. Protocol to Treaty signed at Madrid, January 2, 1897 680
Portugal—Spain. Exchange of Notes, April 24 and July 29, 1897 680
Haiti—United States of America. Treaty signed at Washington, March 22, 1902 681
Germany—Netherlands. Treaty signed at The Hague, December 17, 1904 682
Great Britain—Haiti. Convention signed at Port-au-Prince, April 6, 1906 682
Peru—United States of America. Convention signed at Lima, October 15, 1907 683
Portugal—United States of America. Convention signed at Washington, May 7, 1908 684
Germany—Switzerland. Treaty signed at Berne, November 13, 1909 685
Belgium—Bolivia. Treaty signed at La Paz, April 18, 1912 685
Italy—Nicaragua. Convention signed at Managua, September 20, 1917 686
The Danish-Icelandic Act of Union, November 30, 1918 688
France—Monaco. Declaration signed at Paris, October 7, 1919 690
Bulgaria—Greece. Convention signed at Neuilly, November 27, 1919 691
Austria—Czechoslovakia. Treaty signed at Brunn, June 7, 1920 692
Czechoslovakia—Germany. Treaty signed at Prague, June 29, 1920 693
Latvia—Lithuania. Convention signed at Riga, May 14, 1921 694
Afghanistan—Persia. Treaty signed at Teheran, June 22, 1921 695
Greece—Turkey. Convention signed at Lausanne, January 30, 1923 696
France—Great Britain. Exchange of Notes, May 24, 1923 696
Bulgaria—United States of America. Treaty signed at Sofia, November 23, 1923 698
Bolivia—Germany. Declaration signed at La Paz, March 12, 1924 699
Germany—Poland. Convention signed at Vienna, August 30, 1924 699
Bulgaria—Turkey. Protocol signed at Angora, October 18, 1925 700
Albania—Greece. Convention signed at Athens, October 13, 1926 701
Denmark—Germany. Announcement issued at Berlin, December 8, 1926 704
Argentina—France. Convention signed at Paris, January 26, 1927 704
Czechoslovakia—United States of America. Treaty signed at Prague, July 16, 1928 705
Belgium—France. Convention signed at Paris, September 12, 1928 706
Belgium—France. Convention signed at Paris, September 12, 1928 707
Holy See—Italy. Treaty signed at Rome, February 11, 1929 708
Brazil—Italy. Statement concerning *modus vivendi* negotiated at Itamaraty in 1929 709

ANALYTICAL INDEX 711

SELECTED BIBLIOGRAPHY[1]

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LIST OF ABBREVIATIONS

Am. Jour. Int. Law	*American Journal of International Law.*
Am. Jour. Int. Law Supp.	*Supplement to the American Journal of International Law.*
Am. Law Rev.	*American Law Review.*
Ann. de lég. étr.	*Annuaire de législation étrangère.*
Bergmann	A. Bergmann, *Internationales Ehe-und Kindschaftsrecht* (Berlin, 1926).
Br. and For. St. Papers	*British and Foreign State Papers.*
Br. Parl. Papers, Misc.	*British Parliamentary Papers*, Miscellaneous.
Bull. de lég. comp.	*Bulletin de la société de législation comparée.*
Cahn	W. Cahn, *Reichs- und Staatsangehörigkeitsgesetz vom 22. Juli 1913* (Berlin, 1914).
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For. Rel.	*Foreign Relations of the United States*, Washington.
Harvard Law Rev.	*Harvard Law Review.*
Jour. off.	*Journal officiel.*
Jour. of Soc. of Comp. Leg.	*Journal of the Society of Comparative Legislation.*
Keller-Trautmann	Keller und Trautmann, *Kommentar zum Reichs- und Staatsangehörigkeitsgesetz vom 22. Juli 1913* (Munich, 1914).
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Mich. Law Rev.	*Michigan Law Review.*
Mon. belge	*Moniteur belge.*
Moore, *Digest*	J. B. Moore, *A Digest of International Law* (Washington, 1906). In 8 volumes.
Niemeyers *Zeitschrift*	Niemeyers *Zeitschrift für Internationales Recht.*
Proc. Am. Soc. Int. Law	*Proceedings of the American Society of International Law.*
Rev. de dr. int. et de lég. comp.	*Revue de droit international et de législation comparée.*

Rev. de dr. int. pr.	*Revue de droit international privé.*
Rev. de legisl. y jur.	*Revista de legislación y jurisprudencia.*
Rev. gén. de dr. int. pub.	*Revue générale de droit international public.*
Rev. Stat.	Revised Statutes of the United States.
Riv. di dir. civ.	*Rivista di diritto civile.*
Riv. di dir. int.	*Rivista di diritto internazionale.*
Riv. di dir. pubbl.	*Rivista di diritto pubblico.*
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Schätzel	W. Schätzel, *Der Wechsel der Staatsangehörigkeit infolge der deutschen Gebietsabtretungen* (Berlin, 1921).
Schwartz	G. Schwartz, *Das Recht der Staatsangehörigkeit in Deutschland und im Ausland seit 1914* (Berlin, 1925).
Stat.	United States Statutes at Large.
Treaties, Conventions, etc.	*Treaties, Conventions, International Acts, Protocols, and Agreements between the United States of America and Other Powers* (Washington, 1910–1923). In 3 volumes, covering years 1776–1923.
U. S. Code	The Code of the Laws of the United States of America of a General and Permanent Character in force December 7, 1925, and Appendix with Laws to December 6, 1926. Volume 44, Part I, of the United States Statutes at Large.
Wright	H. F. Wright, *The Constitutions of the States at War*, 1914–1918 (Washington, 1919).
Yale Law Jour.	*Yale Law Journal.*
Zeballos	E. S. Zeballos, *La nationalité* (Paris, 1914).
Zeit. für int. Pr. und Strafrecht	*Zeitschrift für internationales Privat-und Strafrecht.*

PART I

PROVISIONS IN CONSTITUTIONS AND STATUTES RELATING TO NATIONALITY

AFGHANISTAN

CODE OF AUGUST, 1921[1]

[Translation]

Chapter III.—Rules regarding Afghan Nationality

84. Anyone whose parents are Afghan subjects, or whose father is an Afghan subject, whether born in Afghanistan or abroad, is recognized as an Afghan subject and is bound to obtain a certificate of Afghan nationality.

85. If foreign subjects born in Afghanistan on arriving at the age of puberty desire to become Afghan subjects, their application will be accepted.

86. Applications of foreign subjects who desire to become Afghan subjects will be accepted provided that—

(1) They have attained the age of puberty.
(2) They have resided for four years continuously in Afghanistan.
(3) They have not committed a crime while possessing their previous nationality, and are not in debt.

87. If considered advisable by the Afghan Government, the application of foreign subjects who desire to become Afghan subjects before the fulfilment of the above conditions can be accepted.

88. If an Afghan subject who has changed his nationality abroad or whose father has done so in accordance with the provisions of Article 91 desires to resume Afghan nationality, he will, after careful consideration of the reason for the change, be granted rights of Afghan nationality.

89. The wives of such Afghan subjects as marry foreign women will be regarded as Afghan subjects, and if, in the event of their husband's death, they desire to return to their former nationality, they are at liberty to do so.

90. Afghan women married to non-Afghan Moslem husbands cannot be regarded as Afghan subjects unless their husbands assume Afghan nationality. On the death of their foreign husbands, such women can be accepted as Afghan subjects simply on their application.

91. If an Afghan subject who is in a foreign country desires to change his nationality, he is bound to obtain His Majesty's personal permission. Any such person assuming foreign nationality without taking His Majesty's orders is not permitted to enter Afghan territory, and any property he may possess will be confiscated. He will be obliged to sever all relations with Afghanistan.

92. A change of nationality by a father does not affect the nationality of children, whether minors or not, unless such children accept the nationality

[1] Text from *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, p. 3.

of their father on coming of age. Thereupon the children will be of the same nationality as their father.

93. Afghan women who have married foreign subjects will be excluded from and deprived of all rights in property, except movable property, villages, towns, and all privileges enjoyed by Afghan subjects in Afghanistan. Any woman who at the time of her marriage to a foreign subject possesses property in Afghanistan is obliged to dispose of such property and land under the provisions of Article 94.

94. Any foreign subject who has been residing in Afghanistan for five years, has been treated during this period as an Afghan subject, has been recognized as such and derived benefit from his property, should, within a period of two months, obtain a certificate of nationality. Otherwise he must, within one year of the date on which this code comes into force, sell his immovable property, and, if he intends to remain in Afghanistan, should obtain a certificate of nationality from the Minister of his own Government. Otherwise he should leave the country.

95. Anyone who has come to Afghanistan from abroad, during his stay in Afghanistan has concealed his original nationality, has been treated as an Afghan subject, and has purchased property in Afghanistan (a right to which only an Afghan subject is entitled), will be regarded as an Afghan subject, and no claims on his part to foreign nationality will be considered.

96. Any promises exchanged with another Government regarding the place at which emigrants should reside are to be fully respected.

97. Persian immigrants living in Afghanistan are Afghan subjects, and are treated as such. Fees are recoverable yearly under Article 53 of the Passport Rules from all Persians entering Afghanistan for purposes of trade.

98. Any question and dispute which may arise regarding the nationality of any person will be enquired into and decided by the Foreign Office through the department concerned.

ALBANIA

EDITORS' NOTE. The former Turkish law of nationality was in force in Albania until 1929. See the Ottoman Law of Nationality of 1869, post, page 568. The new law of nationality came into force on April 1, 1929.

CIVIL CODE, EFFECTIVE APRIL 1, 1929[1]

[TRANSLATION]

TITLE I

Article 4. An Albanian national by birth is:

(1) The child whose father is a national (*shtetas*) of Albania;
(2) The child whose mother is such a national when paternity is not known, or when the father does not have Albanian nationality (*shtetësí*), nor that of any other state, or when the child does not take the foreign nationality of the father in accordance with the law of the state to which the father owes allegiance;
(3) Whoever is born in Albania when both parents are not known or do not have Albanian nationality or that of any other state, or when the child does not receive the nationality of the parents in accordance with the law of the state to which the parents owe allegiance.

A child found in Albania whose parents are not known is presumed to have been born within the kingdom until the contrary is proved.

Article 5. Recognition according to law or a judicial declaration of affiliation, made while the children are minors and unemancipated, determines nationality in accordance with the disposition of this title.

In cases of this nature the nationality of the father takes precedence even though paternity is legally declared or recognized after the legal recognition by the mother.

In the event that the children legally recognized by acknowledgment or court decree are of age or emancipated, they preserve their own nationality but within a year from the date of the legal recognition by acknowledgment or court decree they may declare that they elect the nationality of the parents who have legally recognized them.

The provision of this paragraph is also applicable to those children whose parentage results from one or the other methods set forth under Article 256.

Article 6. An alien who was born in Albania or whose parents at the time of his birth have resided in Albania for at least ten years, takes Albanian nationality:

(1) In the event that he serves in the Albanian army, or accepts an official position in the administration of the state;

[1] Text from *Kodi Civil*, 1928.

(2) In the event that when he has reached the age of twenty he resides in the kingdom and on reaching twenty-one he declares that he elects Albanian nationality;
(3) If he resides in Albania at least ten years and does not declare as set forth under 2 that he is desirous of keeping his foreign nationality.

The provisions of this law apply also to an alien whose father, or mother, or grandfather on the father's side, was an Albanian national by birth.

Article 7. Albanian nationality may be given by decision of the Ministerial Council:

(1) To an alien who has served the Albanian State for three years even though in a foreign land;
(2) To an alien who has resided in Albania for at least five years;
(3) To an alien who has resided in Albania for at least three years and who has performed important services for Albania or who has married an Albanian woman;
(4) To a person, after a year's residence, who would have become an Albanian subject as set forth by law if he had not neglected to become such by making the proper declaration for this purpose;
(5) After residence of one year in Albania, to aliens who are Albanians by race and language and who have the intention of not returning to their foreign land.

Article 8. Decisions of the Ministerial Council which grant nationality have no effect in case the person to whom granted refuses to take before the prefect of the place of his residence or before such authorities as are named in the decision the oath that he will be loyal to the King and will respect the constitution and other laws of the state.

Article 9. Nationality can be granted by royal decree to any person that has performed important services for the state.

Article 10. An Albanian national who is born and resides in a foreign state which considers him as its national by birth, preserves Albanian nationality, but when he becomes of legal age or is emancipated he may renounce Albanian nationality.

This law is not applicable when contrary provisions are made in international treaties with other nations.

Article 11. A foreign nationality which is taken by an Albanian without the assent of the government or which is forced upon him by a foreign government without his consent, has no effect.

In no event will permission be given for a change of nationality unless it is proved that the applicant intends to reside the rest of his life outside of Albania.

Article 12. A person loses his Albanian nationality and has no right without permission from the government to enter the jurisdiction of the kingdom, if he has accepted an official position in a foreign state without permission from the Albanian Government, or if he has willingly entered

the military service of a foreign land and does not withdraw from such service although given notice by the Albanian Government that he should do so within a specified time.

Article 13. Upon the basis of a favorable opinion by the Council of State and by a decision of the Cabinet nationality lost under Articles 10 and 12 and also nationality lost with the assent of the government may be restored to the person who lost it; (1) if he serves in the Albanian army or accepts an official position; (2) if he declares that he renounces the foreign nationality or proves that he has resigned the official position or withdrawn from his service in the foreign army, entered into in spite of notification by the Albanian Government, and in both cases has decided to resume permanent residence in Albania within a year; (3) after a residence of two years in Albanian territory in the event that nationality has been lost because he acquired a foreign nationality.

Article 14. A married woman may not acquire a nationality separate from that of her husband even though they are living apart from each other.

An alien woman who marries an Albanian national acquires Albanian nationality and retains this even though a dissolution of the marriage takes place, except when, by continuing or taking up her residence in a foreign land, she resumes her original nationality.

Article 15. An Albanian woman national who marries an alien loses her Albanian nationality if she acquires the nationality of her husband unless she specifically reserves in the marriage contract her Albanian nationality.

In the event of a dissolution of the marriage she regains Albanian nationality provided that she resides in Albania or returns to Albania, and declares in both instances her desire to regain Albanian nationality.

Upon this declaration and after residence in Albania for more than two years subsequent to the dissolution of the marriage she regains Albanian nationality provided there is no issue from the marriage.

Article 16. When an Albanian husband takes a foreign nationality his wife who continues to live with him loses her Albanian nationality if she takes that of her husband, but she can regain Albanian nationality in accordance with the provisions above set forth.

When a foreign husband becomes an Albanian national his wife takes his new nationality if she is living with him. However, in the event that the parties have been separated legally and have no children from the marriage who, in accordance with the following law [Article 17], take the nationality of the father the wife may declare her desire to retain her original nationality.

Article 17. The minor and unemancipated children of a father who acquires or regains Albanian nationality become Albanian subjects unless, if they are residing in a foreign state, they reserve in accordance with the law of that state, their original nationality. However, the children of a foreign-born man who has become an Albanian subject may, within a year after

they become of age or after they become emancipated, declare their election of their original nationality.

The minor and unemancipated children of a person who has lost Albanian nationality become aliens when they live with their parents or guardian who have acquired the nationality of another state. However, the provisions of Articles 6 and 13 apply to them.

The provisions of this article apply even in the event that the mother who succeeds to the paternal authority or legal tutelage has a nationality different from that of the deceased father. But these provisions do not apply when the mother acquires a new nationality by remarriage; in this event the nationality of the children is not changed by the subsequent marriage.

Article 18. The acquisition or recovery of citizenship in all the aforementioned cases takes effect the day following the completion of the conditions and formalities set forth. The petitions and declarations for the acquisition or recovery of citizenship are exempt from the payment of any tax or expense whatsoever.

Article 19. Whoever resides in Albania and has not Albanian citizenship or that of any other state must submit to the laws of Albania in so far as they pertain to his civil rights and obligations and service in the army.

Article 20. The declarations mentioned in these laws may be made before the officer of the civil status of the district wherein the declarant resides or has decided to reside or if outside of the state before any diplomatic or consular agent. The right to receive a declaration may be granted by the government to other officials of the state.

Article 21. The provisions of these laws do not apply when there exist treaties or international conventions which regulate in another way questions pertaining to citizenship.

ARGENTINE REPUBLIC

EDITORS' NOTE. As early as 1815 [1] Argentina adopted the *jus soli* as the basis of nationality. Article II of Chapter III [2] of the *Estatuto provisional* of May 5, 1815 provided that "Every free man who is born and resides in the territory of the state is a citizen." Besides being born in the state, the person had to live there in order to be a citizen. Chapter V provided for the loss of Argentine nationality, and naturalization in a foreign country was one of the causes thereof. In the Constitution of December 24, 1826,[3] the *jus soli* was modified by Article 40, Section 2, which provided: "Citizens of the Argentine Nation are: (a) all free men born in the territory and their children wherever born." By this constitution naturalization in a foreign country did not result in loss of nationality; it only suspended it. The above conditions were modified by the Constitution of May 1, 1853,[4] Article 67, paragraph 2 of which gave Congress the power to pass general laws on naturalization for the whole nation. The law of October 7, 1857,[5] Article 2, provided that all persons born in Argentina acquired Argentine nationality. Article 3, however, provided that children born in the Republic of foreign parents will not be Argentine if they choose their original nationality. This law also provided that children born abroad of an Argentine father or mother were Argentines. In all those enactments there was no provision as to the effect of marriage on nationality; but the courts held that marriage confers on the wife the nationality of the husband.[6]

The Constitution of 1853 was revised by that of 1860. Later amendments to the Constitution of 1860 in 1898 have not affected the articles dealing with nationality. The law of 1857 has been replaced by that of 1869. Law No. 8823 of November 27, 1911 [7] confers Argentine nationality on aliens who act as officers in the Argentine army.

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For the text of the Constitution of 1860 in Spanish, see Carranza, *Digesto constitucional argentino* (1910); in English, see *Constitution of the Argentine Republic* (Ministerio de Relaciones Exteriores y Culto, 1926). For comment, see Cogordan, 464; E. S. Zeballos, "La nationalité des fils d'étrangers," *Bull. argentine de dr. int. pr.* (1906) 189. For the text of Law No. 346 of October 8, 1869, in Spanish, see H. Arbo, *Ciudadanía y naturalización;* A. Carranza, *Digesto constitucional americano*, I; in German, see Cahn, 369; Keller-Trautmann, 630. For comment, see Magnus, 2; Zeballos, II, 70, 289. For comment on the law of November 27, 1911, see *Ann. de lég. étr.* (1911) 901.

[1] For the colonial history of the law of nationality, see Zeballos, II, 75.

[2] E. S. Zeballos, "La nationalité des fils d'étrangers," *Bulletin argentine de droit international privé* (1906) 190. [3] Id. 191. [4] Id. 192. [5] Id. 197.

[6] E. Coutaud-Delpech, "La nationalité argentine," *Revue des sciences politiques* (July–December, 1913) 80. [7] *Ann. de lég. étr.* (1911) 901.

CONSTITUTION OF 1860[1]

[TRANSLATION]

Article 8. The citizens of each province enjoy in the other provinces all the rights, privileges, and immunities inherent in citizenship. . . .

Article 20. Foreigners shall enjoy in the territory of the nation all the civil rights of citizens. They may carry on their industry, commerce, or profession, own real estate, buy and sell it, navigate the rivers and coasts, exercise their religion freely, make wills, and marry, all in conformity with the laws. They are not obliged to acquire citizenship, nor to pay extraordinary compulsory taxes. They may become naturalized by residing two years continuously in the nation, but the authorities may curtail this period in favor of one who requests it on the strength of services proven to have been rendered to the republic.

Article 21. Every Argentine citizen is obliged to bear arms in defense of the country and of this constitution, in conformity with the laws enacted for this purpose by Congress and with the decrees of the national executive. Naturalized citizens are free to perform this service or not during a period of ten years from the date on which they obtain their citizenship papers.

Article 67. The Congress shall have power: . . .

11. To enact . . . general laws for the whole nation regarding naturalization and citizenship, based on the principle of citizenship by nativity. . . .

Article 108. The provinces shall not . . . pass especially laws on citizenship and naturalization. . . .

LAW NO. 346, OF OCTOBER 8, 1869[1]

[TRANSLATION]

TITLE 1.—ARGENTINES

Article 1. The following are Argentines:

1. All persons born or who may be born in the territory of the republic, whatever be the nationality of their parents, with the exception of the children of foreign ministers and members of legations residing in the republic.

2. The children of native Argentines who having been born in a foreign country choose the citizenship of origin.

3. Persons who are born in the legations and on the warships of the republic.

4. Persons who were born in the republics which formed a part of the United Provinces of the Rio de la Plata before their emancipation, and who

[1] Text from Cit. Bd. Report (1906) 271.

have resided in the territory of the nation, provided they declare their desire to be Argentines.

5. Persons who are born on neutral seas under the Argentine flag.

Title 2.—Citizens by Naturalization

Article 2. The following are citizens by naturalization:

1. Foreigners over eighteen years of age who reside two years continuously in the republic and declare their desire to be such before the federal district judges.

2. Foreigners who, whatever be the period of their residence, prove before the said judges either of the following services:

(1) Having honorably held offices under the nation or the provinces, within or without the republic.
(2) Having served in the army or navy or having taken part in any warlike action in the defense of the nation.
(3) Having established in the country a new industry or introduced a useful invention.
(4) Operating or constructing railroads in any of the provinces.
(5) Forming a part of colonies already established or which may be established in future, whether in national territory or in that of the provinces, provided they possess some real estate therein.
(6) Settling or peopling national territory within or without the present boundary lines.
(7) Having married an Argentine woman in any one of the provinces.
(8) Practicing therein the vocation of teacher in any branch of education or industry.

Article 3. The son of a naturalized citizen who was a minor at the time of the naturalization of his father and was born in a foreign country, may obtain his citizenship papers from the federal judge by virtue of having enlisted in the national guard at the period prescribed by law.

Article 4. The son of a citizen who is naturalized in a foreign country may, after the naturalization of his father, obtain his citizenship papers by coming to the republic and enlisting in the national guard at the age prescribed by law.

Title 3.—Procedure and Requirements for Obtaining Citizenship Papers

Article 5. The children of native Argentines, born abroad, who choose the citizenship of origin, must prove before the proper federal judge that they are the children of Argentines.

Article 6. Foreigners who have fulfilled the conditions mentioned in the preceding articles shall obtain naturalization papers, which shall be granted them by the federal district judge to whom they have applied therefor.

Title 4.—The Political Rights of Argentines

Article 7. Argentines who have attained the age of eighteen years enjoy all the political rights conferred by the constitution and the laws of the republic.

Article 8. Political rights shall not be exercised in the republic by persons naturalized in a foreign country, by persons who have accepted office or honors from foreign governments without the permission of Congress, by fraudulent bankrupts, or by persons who have received a sentence imposing an infamous penalty or the penalty of death.

Article 9. Congress alone can grant rehabilitation to those who have lost the rights of citizenship.

Title 5.—General Provisions

Article 10. No charge shall be made for citizenship papers or for performing any of the formalities connected with obtaining them.

Article 11. The Ministry of the Interior shall send to all the district judges a sufficient number of printed copies of "citizenship papers," so that they may be issued under one and the same form.

Title 6.—Transitory Provisions

Article 12. The children of a native-born Argentine and foreigners who are at present exercising the rights of Argentine citizenship are considered as native-born or naturalized citizens, respectively, without being subjected to any of the requirements established by this law, and having only to inscribe themselves in the National Civic Register.

Article 13. All provisions contrary to the present law are hereby repealed.

Article 14. Let the foregoing be communicated to the Executive.

DECREE OF OCTOBER 8, 1920[1]

[Translation]

In view of the difficulties which arise respecting foreign women married to Argentine citizens, and in order that the national authorities of the republic may deliver passports and other equivalent documents, permitting them to travel from the republic abroad, and

Whereas, in accordance with the information given by the Department of Foreign Affairs and Worship, this fact results from the stipulations of the legislation of foreign countries, where it is an accepted principle that marriage is one of the ways by which the wife acquires the nationality of her husband, and consequently loses her own:

[1] Text from enclosure with Despatch No. 1381, November 12, 1920, from the American Ambassador to the Argentine Republic to the Secretary of State.

That such a situation, affecting foreign women, widows of Argentine citizens, by analogy, affects children under age, the children of Argentines, born abroad, who in order to be held as Argentines should adopt this citizenship, in the manner prescribed in Articles No. 1, paragraph 2, and No. 5 of Law No. 346, and that they are not considered as citizens of the country of their birth, as therein rules the principle of citizenship according to birth;

That the above causes to all who find themselves in the conditions referred to numerous difficulties and troubles, due to the demands of the authorities of foreign countries which prohibit their transit, and that the national government should try and avoid such, as they are persons representing Argentine interests, in the case of the wives and widows of citizens, for the reason of the protection due to their husbands; and respecting their children under age, children of native Argentines born abroad, not only with respect to their parents, but also treating of persons, who by law have certain rights recognized on accepting Argentine citizenship, which they have not been able to exercise, not having reached the age fixed therefor;

That although Law No. 346 does not include marriage amongst the ways of acquisition and loss of citizenship, the national laws and the Supreme Federal Court have declared, that the foreign woman married to an Argentine follows the condition and status of her husband in her exercise of civil rights;

That on the other hand, although the Executive Power, for want of any legal stipulation empowering it to do so, could not hold such persons as Argentines, there is no objection to delivering them passports or other documents in place thereof, without accepting them as Argentines, as wives, widows, or children of Argentine citizens;

That as a fact, and as far as the jurisdiction of the authorities of the republic accredited abroad extends, this system has been placed in practice by the Department of Foreign Affairs, facilitating and protecting the interests of such citizens as may be affected thereby, being wives or parents of foreigners;

The Executive Power of the nation, at a general meeting of the cabinet, decrees:

Article 1. The corresponding authorities of the republic shall deliver passports, in the way and with the requisites ordained relative to Argentine citizens, to the foreign wives or widows thereof, and to the children under age of native citizens born abroad, whenever they ask therefor.

Article 2. In the passports referred to, it shall not be declared that the persons mentioned therein are Argentine citizens, but there shall merely be a statement of their status as wife, widow, or child of an Argentine.

Article 3. Passports so drawn up shall have, with regard to entrance into, and exit from, national territory, as well as consular protection abroad, the same value as if delivered to nationals (Argentines).

AUSTRIA

EDITORS' NOTE. Austrian nationality was formerly governed by Articles 29–32 of the Code of 1811. This code, however, does not define Austrian nationality. According to Unger,[1] "An Austrian citizen is he who belongs with his political personality to the Austrian State, and who, as such, is subject to the political authority of that country." A distinction was drawn between nationality and "*indigénat*" prior to the ordinance of the Minister of the Interior of February 28, 1849.[2] Article 28 of the Code of 1811 provided that "Nationality in our States belongs by birth to the children of all Austrian citizens," and place of birth had no effect on nationality.[3] Article 32 of that code provided that the loss of nationality was governed by the laws of immigration. These laws are the ordinance of August 10, 1784, replaced by an Imperial Patent of March 24, 1832,[4] which was still in force in 1924.[5]

Article 19 of this patent changed the previous nationality law by providing that an Austrian woman marrying an alien loses her nationality. There was no other way of expatriation except with government authorization. Austrian nationality, according to the same patent, could be lost either by permission of the Austrian Government or by way of penalty.

The decree of February 23, 1833 [6] declared that an alien woman who married an Austrian acquired his nationality. The ordinance of April 27, 1860 [7] abrogated Article 29 of the code, which provided that Austrian nationality was acquired by being in an enterprise requiring continuous residence in the country. The decree of March 1, 1853 [8] provided that Austrian nationality could be obtained after an uninterrupted domicile of ten years in the country. Article 30 of the code enumerated cases where the fulfillment of this requirement was not necessary.

The organic law of December 21, 1867,[9] which changed the law as to unauthorized emigration, did not change the provision in regard to loss of nationality by marriage or by permission. This law changed Article 28 of the code by which foreigners entering public service acquired Austrian nationality. By the law of July 5, 1912,[10] an Austrian who had become seventeen years of age could not, by acquiring a foreign nationality, lose his Austrian nationality unless he had been excused from military obligations. According to paragraph 16 of the order of the provisional assembly for German Austria, all the legislation of the Austrian monarchy continues to be in force, if not in conflict with the new constitution. This saving clause includes the law relating to nationality.[11]

By the law of December 5, 1918,[12] every person could renounce Austrian nationality until June 30, 1919, in favor of the nationality of a state created out of the Austro-Hungarian monarchy. The law of October 17, 1919 [13] made admission to Austrian nationality more difficult. The decree of August 20, 1920 [14] provides for the acquisition of Austrian nationality by option, in accordance with the third part, sixth section, of the Treaty of St. Germain

[1] *System der österreichischen allgemeinen Privatrechts*, 292.
[2] *Reichsgesetzblatt, Ergänzungsband*, No. 144.
[3] Vesque von Püttlingen, *Handbuch des in Oesterreich geltenden internationalen Privatrechtes* (2d ed., 1878) 83.
[4] *Justizgesetzsammlung*, No. 2557.
[5] E. Sée, "Influence de l'acquisition d'une nationalité étrangère sur la nationalité autrichienne," Clunet (1916) 52.
[6] *Justizgeseltzsammlung*, No. 2595.
[7] *Reichsgesetzblatt* (1860), No. 108.
[8] L. Beauchet, "Acquisition et perte de la nationalité autrichienne," Clunet (1883) 362.
[9] *Reichsgesetzblatt* (1867), No. 142.
[10] Id. (1912), note 28.
[11] E. Sée, "Perte de la nationalité autrichienne," Clunet (1924) 357.
[12] Ibid.
[13] *Ann. de lég. étr.* (1920) 266.
[14] 113 *Br. and For. St. Papers*, 979.

of September 10, 1919. By the Treaty of St. Germain of September 10, 1919,[1] Austria undertook to recognize any new nationality which had been or might be acquired by her nationals under the law of the Allied and Associated Powers, and to regard such persons as having lost their Austrian nationality. By Article 70 of the same treaty every person possessing rights of citizenship (*pertinenza*) in territory which had been detached from the former Austro-Hungarian Monarchy acquired the nationality of the new state. By Article 119 universal compulsory military service was abolished. The law of July 30, 1925 [2] has been supplemented by the federal law of June 8, 1927.[2]

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For the text of the ordinance of July 6, 1864, in English, see 63 *Br. and For. St. Papers*, 1082. For the text of the law of 1896, in German, see "Das österreichische allegemeine bürgerliche Recht," *Handausgabe österreichischer Gesetze und Verordnungen*, heft 210, 16 (1923); in French, see *Ann. de lég. étr.* (1896) 372. For the text of the law of July 5, 1912, in French, see *Rev. de dr. int. pr.* (1918) 315. For comment on the law of October 17, 1919, see *Ann. de lég. étr.* (1920) 266. For the text of the decree of August 20, 1920, in English, see 113 *Br. and For. St. Papers*, 879. For the text of the law of July 30, 1925, in German, see Bergmann, II, 179; "Die Novellen zur Bundesverfassung," same series, heft 212a, 133 (1926); in French, see Bulletin of Laws, August 14, 1925, No. 285; *Rev. de dr. int. pr.* (1927) 352; in English, see *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, p. 4. For comment, see Magnus, 86 (1925); K. Waldert, *Das oesterreichische Heimat-und Staatsbürgerrecht nach dem Stande der Gesetzgebung vom 5 Oktober 1925* (Vienna, 1926).

LAW OF DECEMBER 5, 1896 [3]

[TRANSLATION]

Article 1. Paragraphs 8, 9 and 10 of the law of December 3, 1863 concerning the regulation of conditions of *Heimatrecht* [4] are hereby repealed and superseded by the following provisions:

Paragraph 1. *Heimatrecht* is acquired through express admission into the *Heimatverband*.[5]

Paragraph 2. The express admission into the *Heimatverband* cannot be denied by the community of the residence to any Austrian citizen, who, after acquiring the right in his own name, shall have resided in the community continuously and voluntarily for ten years preceding the application for the *Heimatrecht*. In cases where the residence was begun in the community under circumstances which preclude a voluntary residence, the ten

[1] Article 230, *British Treaty Series*, No. 11 (1919), Cmd. 400. [2] Post.
[3] Text from *Reichsgesetzblatt* (1896), No. 222.
[4] *Heimatrecht* denotes membership in a community and the possession of certain rights such as that of support by the community in case of need. [5] Community.

years' time will only begin to run on the day on which those circumstances no longer exist. Should those circumstances occur only after the beginning of the residence, the ten years' time is quiescent.

Any voluntary surrender of residence in the community will break the ten years' residence time that had been begun. However, a voluntary absence will not be regarded as an interruption of the residence when the circumstances under which it takes place make it apparent that the intention to maintain the residence exists.

Absence made necessary by the fulfillment of the military service due under the law, shall neither stop nor break the facility of acquiring the *Heimatrecht* for which steps have been taken in the community, but the course of the ten years' time is at rest during an absence which is otherwise involuntary.

Further, the applicant must not have become a public charge during the said time of residence. Release from school taxes on account of the children who are attending one school and also the enjoyment of a stipend, and finally, any relief granted temporarily are not to be regarded as making the applicant a public charge.

Paragraph 3. The right to vindicate the claim acquired under section 2 of this law to express admission into the *Heimatverband* belongs not only to those who are entitled to such claim and their successors to the *Heimatrecht*, that is to say, those persons who, according to the provisions in paragraphs 6, 7, 11, 12 and 13 of the law of December 3, 1863, derive their *Heimatrecht* from that of the party entitled to the claim, but also the previous community (*Heimatgemeinde*)[1] and, in case of a *Heimatlosen*,[2] to that community to which such person was assigned on the strength of the provisions in the third section of the home law.

Every community is under the obligation of apprising the former community of the admission of a person into its own *Heimatverband* on the strength of section 1 or 2.

Paragraph 4. When an Austrian citizen who has his residence in the community in which he has filed under paragraph 2 of this law an application for admission into the (*Heimatverband*) thereof has given up or involuntarily left the district of the community, this claim can only be vindicated by the party entitled to it himself or the party succeeding to his *Heimatrecht* only within two years, and in the case of his own *Heimatrecht* within five years after the stopping of the residence in the community.

The applications to be filed under paragraphs 2, 3 and 4 for the vindication of the express admission into the *Heimatverband* are to be acted on free of charge.

Paragraph 5. Foreigners and persons whose citizenship cannot be proved, have, under the conditions set forth in paragraph 2, a claim to acquire the

[1] *Heimatgemeinde* is the community where one has his *Heimatrecht*.
[2] Person without *Heimatrecht*.

admission into the *Heimatverband* of an Austrian community; the admission, however, can only take place when the applicant has obtained Austrian citizenship.

Paragraph 6. When the community of the residence fails to decide any case of a claim for admission into the *Heimatverband* (paragraphs 2, 3 and 4) or a promise relative thereto within a term of six months counted from the filing of the application, it will be for the higher political authority to decide.

The same authority will decide in the case, if called upon, when the admission into the *Heimatverband* and the guaranty thereof in the cases coming under paragraphs 2 to 4 and 5 has been denied by the community of the residence.

Paragraph 7. Outside of the cases referred to in paragraphs 2 to 4 and 5, the community decides in cases of applications for the express admission into the *Heimatverband* without appeal.

FEDERAL CONSTITUTIONAL LAW NO. 272, OF JULY 30, 1925[1]

RELATIVE TO ACQUISITION OF STATE CITIZENSHIP AND HEIMATRECHT BY ENTERING UPON THE OFFICE OF INSTRUCTOR IN A PUBLIC HIGHER INSTITUTION OF LEARNING

[TRANSLATION]

The National Council has decreed that:

Paragraph 1. By entering upon the public office of instructor in a domestic higher institution of learning, a foreigner acquires state citizenship in that state in which the institution of learning is situated and at the same time acquires *Heimatrecht* in the locality where he exercises his office.

Paragraph 2. The federal government is charged with the enforcement of this law.

FEDERAL LAW NO. 285, OF JULY 30, 1925[2]

CONCERNING THE ACQUISITION AND LOSS OF PROVINCIAL AND FEDERAL RIGHTS OF CITIZENSHIP

[TRANSLATION]

The National Council has decided:

Paragraph 1. The acquisition and loss of provincial and federal rights of citizenship is in future to be regulated exclusively according to the provisions of this law, except in the case of treaties.

Paragraph 2. Anyone who has his *Heimatrecht* in a community of the Austrian Republic is a citizen of that province in which the community is situated.

[1] Text from *Bundesgesetzblatt* (1925), Vol. 62, No. 272.
[2] Text from *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, p. 4, and *Bundesgesetzblatt*, No. 285.

Paragraph 3. Provincial citizenship is acquired—

(1) By federal citizens—by the acquisition of *Heimatrecht* in a community of the province; in Vienna, by the acquisition of the domicile of the federal capital, Vienna. The communities have to apply for the assent of the provincial government before granting the right of *Heimatrecht*, according to paragraphs 1 and 7 of the law of December 5, 1896, *Reichsgesetzblatt*, No. 222, to federal citizens who are not provincial citizens of the province in which the granting community is situated.

(2) By foreigners—

(a) By grant.
(b) By taking public office as a teacher at a provincial university (*Hochschule*).
(c) By descent (legitimation).
(d) By marriage.

Paragraph 4.—(1) Constitutional Provision. The granting of provincial citizenship to foreigners can only take place in the case of applicants who—

1. According to the laws of their former country (*Heimatstaat*), are not under a disability (*Handlungsfahig*); the disability can, however, be made good by the consent of the father or guardian.
2. Prove that, in the event of their acquiring provincial citizenship, they will be assured of reception into an Austrian community.
3. Prove that, in the event of their acquiring provincial citizenship they lose their former citizenship; if these persons, however, according to the laws of their former state, can retain the citizenship of that state in the event of their acquiring a foreign citizenship, then they may be exempted from this requirement.
4. Have for at least four years had their ordinary residence on federal territory. The federal government can, however, make an exception to this requirement in individual cases if they designate the grant as in the interest of the Confederation.

(2) Constitutional Provision. Before a foreigner can acquire provincial citizenship, his relations towards his former state as well as his other personal and family affairs, must be investigated. The granting of citizenship cannot take place if these relations, personal affairs, etc., are of such a kind that the acquisition of citizenship by the person in question might prove injurious to the province or to the federal state.

(3) Constitutional Provision. In so far as a foreigner can claim (according to paragraph 5 of the law of December 5, 1896, *Reichsgesetzblatt*, No. 222), the assurance that he will be accepted as citizen of a community in a province and applies for the grant of the provincial citizenship of this province, the provincial government can at once grant the provincial citizenship if the conditions set forth in Articles 1 and 2 are clearly fulfilled.

(4) Constitutional Provision. In other cases the provincial government can only grant provincial citizenship to a foreigner when the federal Chan-

cellery certifies that out of the conditions laid down in Articles 1 and 2 for the granting of the provincial citizenship there arises no difficulty whatever from the standpoint of the interests of the Confederation.

(5) Constitutional Provision. No one has the right to claim the grant of provincial citizenship.

Paragraph 5.—(1) Legitimate or legitimised children who have not themselves the right of provincial citizenship acquire that of their father, illegitimate children that of their mother; if, however, the mother obtains a provincial citizenship by marriage, then her children only acquire this citizenship if the marriage has rendered them legitimate.

(2) In the event of citizenship being accorded to a foreigner (paragraph 4), then only those children follow the status of the father or the unmarried mother, whom the grant of citizenship expressly covers.

Paragraph 6.—(1) By marriage a foreign woman obtains the provincial citizenship of her husband. In the same way in the event of a foreigner being accorded provincial citizenship, his wife also acquires that citizenship, in so far as they are not legally separated or divorced, or the marriage annulled.

(2) The legal reunion of divorced persons has the effect of marriage.

Paragraph 7. Provincial citizenship is lost—

(1) Through the acquisition of another provincial citizenship.
(2) By virtue of descent.
(3) By marriage.
(4) By relinquishing citizenship (*Ausburgerung*).

Paragraph 8. By virtue of their descent the following lose their right to citizenship:

(1) Legitimate or legitimised children who have not provincial citizenship of their own right if their father loses his citizenship.
(2) Illegitimate children who have not provincial citizenship of their own right if the mother loses her citizenship. In the event of the marriage of the mother the illegitimate children only lose their citizenship with the mother if the latter's marriage has rendered them legitimate.

Paragraph 9.—(1) By marriage with a foreigner a woman loses her provincial citizenship in so far as it is proved that she acquires by this marriage the citizenship of her husband's state, according to the laws of that state.

(2) In the same way a wife loses her provincial citizenship if her husband does so, provided they are not legally separated or divorced.

(3) The legal reunion of divorced persons has the effect of marriage.

Paragraph 10.—(1) The following persons lose provincial citizenship through relinquishing citizenship (*Ausburgerung*) except in the case of special legislation to the contrary:

(1) A person who acquires foreign nationality; the retention of the provincial citizenship can be permitted by the provincial government with the consent of the federal Chancellery for valid reasons.
(2) A person who voluntarily enters the public or military service of a foreign state.

(2) The loss of provincial citizenship by relinquishing citizenship (*Ausburgerung*) only applies to a married woman in so far as the marriage is not legally dissolved, and to minors if they acquire the foreign citizenship simultaneously with their parents.

Paragraph 11.—(1) Persons, who possess the provincial citizenship of a federal province but who have lost the same during their minority, cannot be refused the reacquisition of citizenship in the province in which they originally possessed it provided they apply for it within two years of attaining their majority and, if they have become foreigners, that they prove at the same time that they will lose their former citizenship in reacquiring their provincial citizenship, and provided that their reception into provincial citizenship is admissible in the light of paragraph 4, sub-paragraph 2.

(2) Under the same conditions a similar demand by a woman, who has lost her provincial citizenship by marriage cannot be refused in so far as the marriage is dissolved either by the death of the husband or legally.

(3) These persons acquire their former right of *Heimatrecht* in a community simultaneously with the acquisition of provincial citizenship.

Paragraph 12. By the adoption or taking charge of a child provincial citizenship is neither acquired nor lost.

Paragraph 13. Federal citizenship is acquired by the acquisition of provincial citizenship.

Paragraph 14. Persons who are born or are found on federal territory (foundlings) count as citizens of the province in which they were born or found, provided their citizenship of a foreign state or of another province cannot be proved.

Paragraph 15. Federal citizenship lapses simultaneously with the loss of provincial citizenship unless at the same time citizenship of another province is acquired.

Paragraph 16. The consideration and decision of questions of provincial and federal citizenship is within the competence of the provincial government of that province in which the person whose provincial citizenship is in question possesses or claims that he possesses a right of *Heimatrecht* and, in the event of their being no question of a right of *Heimatrecht*, has his ordinary residence or was born.

Paragraph 17.—(1) Every decision of an authority which is in contradiction to the legal provisions of this law or of international treaties is liable to be declared null and void.

(2) As regards the granting of provincial citizenship, however, this

nullification only applies in case of infringement of paragraph 4, sub-paragraph 4, and is only valid for a period of ten years.

(3) Complaints can be addressed at any time to the Administrative Court (*Verwaltungsgerichtshof*) according to Article 129, paragraph 1, heading 3, section b, of the Federal Constitutional Law, in so far as it is directed against a decision which is null and void according to sub-paragraphs 1 and 2.

Paragraph 18. Persons who are Austrian citizens, without having their *Heimatrecht* in a community of the republic become federal citizens. Federal legislation decides in what community these persons acquire *Heimatrecht* or to what community they are assigned, and thereby fulfil the preliminary condition of provincial citizenship; as regards persons who have acquired citizenship without obtaining *Heimatrecht* in a community on the ground of state treaties or of a simple declaration according to paragraph 2 of the law of December 5, 1918, *Staatsgesetzblatt* No. 91, concerning state citizenship, the Confederation is responsible for the settlement of the question of federal citizenship, if the persons in question have not already obtained a *Heimatrecht* in a community of the Republic of Austria before October 1, 1925; and also the question of *Heimatrecht*. In these matters party rights are conceded to the province or community affected by such ordinances or decisions.

Paragraph 19. The possession of provincial and federal citizenship is to be certified upon the demand of every provincial or federal citizen. It is decided by decree what authorities are called on to make the certification.

Paragraph 20. The form of certificate of provincial or federal citizenship as well as the form of deeds of grant and withdrawal of citizenship is to be settled by decree.

Paragraph 21.—(1) If a federal citizen attempts to obtain foreign citizenship, then the competent authorities can grant him a certificate to the effect that if he obtains foreign citizenship he will cease to belong to the Austrian State.

(2) If the conditions of paragraph 4 are fulfilled, then the authorities competent to grant provincial citizenship can issue to foreigners who are applying for a provincial citizenship in a federal province the assurance of obtaining this if they are released from their previous allegiance.

Transitionary Measures

Paragraph 22. Persons who are citizens of Austria according to the regulations hitherto in force without possessing *Heimatrecht* in a community of the Republic of Austria, are federal citizens.

Paragraph 23. The provisions of paragraphs 3 and 9 also apply to federal citizens who have no *Heimatrecht* in an Austrian community and hence are not provincial citizens.

Paragraph 24.—(1) Persons who have acquired Austrian state citizenship and *Heimatrecht* in a community of Austria, but have lost it in virtue of their birth or their residence abroad in consequence of provisions of international treaties, are from July 16, 1920, Austrian citizens.

(2) These persons can renounce the right bestowed on them in sub-paragraph (1) with effect as from July 16, 1920. This renunciation is to be made at a local provincial government office.

(3) The acquisition of Austrian nationality in virtue of sub-paragraph 1 does not come into force if the persons in question have acquired voluntarily another nationality after July 16, 1920.

Paragraph 25.—(1) The decisions of paragraph 24 come into force on the day after the publication of this law, the remaining decisions on October 1, 1925.

(2) The federal Chancellor is charged with the execution of this law.

FEDERAL LAW NO. 286, OF JULY 30, 1925[1]

CONCERNING MODIFICATION AND COMPLETION OF THE LAW OF DECEMBER 3, 1863, REICHSGESETZBLATT, NO. 105, RELATIVE TO REGULATION OF CONDITIONS AS TO DOMICILE, AND THE LAW OF DECEMBER 5, 1896, REICHSGESETZBLATT, NO. 222, AS WELL AS THE ENFORCEMENT OF SECTION 14 OF THE CONSTITUTIONAL LAW OF OCTOBER 1, 1920, BUNDESGESETZBLATT, NO. 2, CONCERNING THE TRANSITION TO THE FEDERAL STATE CONSTITUTION. (SUPPLEMENTARY LAW CONCERNING HEIMATRECHT, 1925)

[TRANSLATION]

The Federal Council has decreed that:

Paragraph 1. National citizens who have no *Heimatrecht* or whose *Heimatrecht* cannot be proved at the time, are considered as homeless people (*Heimatlose*). *Heimatrecht* is also to be considered as unprovable when it is not acknowledged by the alleged *Heimatgemeinde* and can be established only by deduction from the fact of *Heimatrecht* acquired before the law of December 3, 1863, *Reichsgesetzblatt*, No. 105, went into effect, if it cannot be proved to have been acknowledged since that time.

Paragraph 2. National citizens who have acquired state citizenship in the Austrian Republic on the basis of state treaties or German-Austrian state citizenship on the basis of a proclamation under section 2 of the law of December 5, 1918, *Staatsgesetzblatt*, No. 91, and are persons without *Heimatrecht* (*Heimatlos*), again acquire *Heimatrecht* by law in that Austrian community in which they were last entitled to *Heimatrecht* in case they formerly had *Heimatrecht* in a community of the Austrian federal territory. If the facts do not correspond to the latter requirement, such persons acquire *Heimatrecht* by law in the community in which they had their regular resi-

[1] Text from *Bundesgesetzblatt* (1925), Vol. 64, No. 286.

dence on July 16, 1920, or, if several places of residence come under consideration, where they have actually resided.

Paragraph 3.—(1) National citizens without *Heimatrecht* (*Heimatlose*) who have acquired state citizenship in the Republic of Austria on the basis of state treaties or German-Austrian citizenship on the basis of a proclamation under section 2 of the law of December 5, 1918, *Staatsgesetzblatt*, No. 91, and do not acquire *Heimatrecht* on the basis of section 2 of this law may, within three months after this law goes into effect, declare to the state government of a state of the Federal Union that they desire *Heimatrecht* in such state of the Union.

(2) With respect to such a declaration, the state government may, within six months after this law goes into effect, designate a community of its federal state in which the declarant shall be entitled to *Heimatrecht* from the date, specifically, on which the state government receives the declaration.

(3) Declarations regarding which favorable action has not been taken by the state government within six months from the time that this law goes into effect shall be considered as rejected.

Paragraph 4. National citizens without *Heimatrecht* (*Heimatlose*) who do not acquire *Heimatrecht* on the basis of sections 2 and 3 of this law cannot be denied express admission to the *Heimatverband* by the community of residence in which they have resided, without having become a public charge during that time after gaining the personal right to *Heimatrecht* voluntarily and continuously during the four years immediately preceding application for *Heimatrecht*.

Paragraph 5.—(1) Persons who, by a valid certificate of assignment on the basis of sections 18 and 19 of the law of December 3, 1863, *Reichsgesetzblatt*, No. 105, have been assigned to a community until their acquisition of *Heimatrecht*, acquire *Heimatrecht* in the community to which they are assigned.

(2) With respect to succession as to *Heimatrecht* of persons who have acquired *Heimatrecht* in accordance with the provisions of the first paragraph, the provisions of sections 6 and 7 of the law of December 3, 1863, *Reichsgesetzblatt*, No. 105, apply.

Paragraph 6.—(1) National citizens without *Heimatrecht* (*Heimatlose*) who do not acquire *Heimatrecht* by law on the basis of the preceding provisions shall be assigned in the following order:

1. To the community in which they have resided the longest, but at least half a year continuously, during the ten years immediately preceding the date of the *Heimatrecht* in question, and, in case of the same length of residence in two or more communities, the one in which they have last voluntarily resided.
2. To the community in which they were born, or in case of foundlings, in which they were found;
3. To the community in which they were found at the time of the *Heimatrecht* in question.

(2) If none of these conditions applies with respect to the assignment of a national citizen without *Heimatrecht* (*Heimatlose*), the state government of a federal state shall order assignment to a community of the area under its jurisdiction. Which federal state comes under consideration is determined in such case according to a serial order of the federal states, which must be established once for all by the federal Chancellor's office, proportionate consideration being given to the population figures of the federal states on the basis of the census of 1923.

(3) Assignment by the authorities forms the basis, for the persons assigned, of the acquisition of *Heimatrecht* in the community to which they are assigned and, specifically, from the day on which the process on account of homelessness (*Heimatlosigkeit*) is begun.

Paragraph 7. Officers and soldiers of the national army cannot acquire *Heimatrecht* on the basis of section 10 of the law of December 5, 1896, *Reichsgesetzblatt*, No. 222.

(2) The acquisition by prescription begun in a community under section 2 of the law referred to or under section 4 of the present law is merely delayed, not interrupted, by actual military service.

Paragraph 8. Section 14, paragraph III (sections 18 to 21), section 27 and paragraph VII (sections 45 to 48) of the law of December 3, 1863, *Reichsgesetzblatt*, No. 105, become invalid.

Paragraph 9. The federal Chancellor is charged with the enforcement of this law.

FEDERAL LAW OF JUNE 8, 1927[1]

SUPPLEMENTARY TO THE FEDERAL LAW OF JULY 30, 1925, CONCERNING THE ACQUISITION AND LOSS OF FEDERAL AND PROVINCIAL CITIZENSHIP

[TRANSLATION]

The National Council has decided:

Article 1. The following clause is hereby added to paragraph 10 (1), point 2, of the Federal Law of July 30, 1925, "Federal Law Gazette," No. 285, concerning the acquisition and loss of federal and provincial citizenship:

> The loss of provincial citizenship does not follow in the event of a provincial citizen taking up the post of university teacher in another country if, according to the prevailing laws of the country concerned, the taking up of a university (*Hochschule*) post does not *ipso facto* confer citizenship of that country.

Article 2. The federal Chancellor is entrusted with the execution of this law.

[1] Text from *Br. Parl. Papers*, Misc. No. 7 (1928), Cmd. 3221, p. 3.

FEDERAL LAW OF DECEMBER 20, 1928[1]

CONCERNING MODIFICATION AND COMPLETION OF SEVERAL PROVISIONS RELATIVE TO HEIMATRECHT (SUPPLEMENTARY LAW RELATIVE TO HEIMATRECHT, 1928)

[TRANSLATION]

The National Council has decreed that:

Article I. Section 2 of the law of December 3, 1863, *Reichsgesetzblatt*, No. 105, shall read:

"1. Only national citizens may acquire *Heimatrecht* in a community. Every acquisition of *Heimatrecht* in violation of this provision is null and void.

2. Complaint may be made at any time to the Administration Court under Article 129, paragraph (2) of the Federal Constitutional Law if it is made against an order which, according to paragraph (1), is null and void.

3. Every national citizen shall be entitled to *Heimatrecht* in a community. *Heimatrecht* may be granted him, however, in one community only."

Article II. Section 4 of the federal law of July 30, 1925, *Bundesgesetzblatt*, No. 286 (Supplementary law as to *Heimatrecht*, 1925) is added as a second and third paragraph:

"(2) The person who is himself entitled to admission, as well as his successors as to *Heimatrecht*, i.e. those persons who, according to the provisions of sections 6, 7, 11, 12 and 13 of the law of December 3, 1863, *Reichsgesetzblatt*, No. 105, derive their right to *Heimatrecht* from those of persons entitled to admission, has the right to file this application for formal admission to the *Heimatverband*. When the person entitled to admission has given up residence in the community or has left the jurisdiction of the community against his will, the application may be filed by him or his successors as to *Heimatrecht* only within two years after termination of the residence.

(3) The provisions of section 2, paragraphs (2), (3), (4), second sentence, and (5) of section 4, paragraph (2), and of section 6 of the law of December 5, 1896, *Reichsgesetzblatt*, No. 222, shall be applied in accordance with the tenor thereof."

Article III. Persons who, on the basis of section 14 of the federal law of July 30, 1925, *Reichsgesetzblatt*, No. 285, relative to acquisition and loss of state and national citizenship, are held to be state citizens of the state of birthplace or place where found, shall be assigned in accordance with the provisions of section 6, paragraph (1), line 2 of the federal law of July 30, 1925, *Bundesgesetzblatt*, No. 286 (Supplementary law of 1925 as to *Heimatrecht*) to the community of their birthplace or place where they were found.

[1] Text from *Bundesgesetzblatt* (1928), No. 98, No. 355.

The *Heimatrecht* thereby acquired continues only as long as the person in question is to be considered as a state citizen.

Article IV. Section 9, paragraph (3) of the law of December 5, 1896, *Reichsgesetzblatt*, No. 222, shall read:

"Except in case of voluntary admission into the *Heimatverband* no fee or other duty shall be charged for acquisition of *Heimatrecht*."

Article V.—(1) Communities are required to keep a list of persons entitled to *Heimatrecht* therein, and to cooperate in the keeping of *Heimatrecht* lists of other communities.

(2) Community registrars must report at once to the *Heimatgemeinde* concerned every entry in the register which is of importance with respect to *Heimatrecht*. The federal states must provide the community registration offices gratis with the printed forms required for such reports.

(3) All bureaus of the national union, of the states and communities, as well as of legally recognized religious societies are required to give notices to the *Heimatgemeinde* concerned regarding those orders of a personal nature which they issue affecting the question of *Heimatrecht*.

(4) National citizens residing abroad are required to report changes in their families to the competent Austrian consulate, submitting at the same time the respective official documents.

(5) The more detailed provisions as to establishing and keeping the *Heimatrecht* lists, the cooperation of communities, authorities, and other official bureaus, and the reports of nationals residing abroad, shall be established by decree.

Article VI. The decrees for enforcement of this national law are issued by the national chancellor, who is also authorized under Article 15, paragraph (4) of the national constitutional law to supervise the observance of these regulations.

BELGIUM

EDITORS' NOTE. The Civil Code of France of 1804 (Articles 9 and following) [1] was adopted by Belgium to regulate nationality. The Belgian Constitution of 1831 (Article 137) reestablished the Civil Code which had been replaced by the law of August 24, 1815 of the Netherlands.[2] Article 133 of the code related to the nationality of foreigners established in Belgium before January 1, 1814.[3] The laws of September 22 and 27, 1835 deal with the citizenship of Dutch nationals domiciled on territory ceded by the Treaty of Paris of November 30, 1815 to the Kingdom of the Netherlands. The nationality of certain other territories acquired by Belgium by treaty was regulated by the law of June 4, 1839. The law of June 21, 1865 [4] abrogated Articles 12 [5] and 21 of the code, which provided for the loss of nationality in certain cases. Article 1 of the law of June 4, 1839 was interpreted by the law of June 1, 1878.[6] The next year a law was passed in April, remedying the defects resulting from the omission of certain formalities required for the acquisition of Belgian nationality.[7]

Conditions for naturalization were provided for in the law of August 6, 1881.[8] The nationality of children born in Belgium of unknown parents was declared to be Belgian by the law of August 15, 1881.[9] Prior to this law there was a difference of opinion on this point. The law of August 16, 1881 [10] modified Article 9 of the Civil Code, which provided for the nationality of a child born in Belgium of an alien parent. This law also modified that of August 6, 1881.

Until the law of June 8, 1909,[11] nationality was governed, except for certain laws on naturalization, by Articles 9, 10, 12, 17 to 20 of the Civil Code. By Articles 17 and 19 of the code, a woman who had married an alien lost her nationality. By Article 11 of the new law she lost her nationality only if her husband was the national of another country and by the laws of that country she acquired his nationality. Article 7 of the law of June 8, 1909 provided that children born in Belgium of alien parents are Belgians if domiciled in the kingdom on attaining majority, and if they have not made a declaration to the contrary. This law abrogated Articles 9, 10, 12 and 17 to 20 of the Civil Code and Article 1 of the law of July 16, 1889. Articles 8, 9, 13 and 14 of the law of June 8, 1909, and Article 4 of the law of August 6, 1881, were abrogated by the order of April 15, 1916.[12] The law of October 25, 1919, among other provisions,[13] prohibited the acquisition of Belgian nationality by enemy aliens.

BIBLIOGRAPHY: Lehr, 40; E. Van der Rest, "Nationalité," 16 *Rev. de dr. int. et de lég. comp.* (1884) 138.

For comment on the Civil Code of 1804, see Lehr, 40, note 2. For comment on the Constitution of 1831, see P. Isbecque, "Législation belge en matière de nationalité," *Bull. de lég. comp.* (1919–20) 153, 154. For comment on the laws of September 22 and 27, 1835, see P. Isbecque, *loc. cit.* 154. For the text of the law of June 4, 1839, in French, see *Ann. de lég. étr.* (1880) 483, note 1. For comment, see E. Oulif, *Bull. de lég. comp.* (1879) 278. For comment on the law of February 15, 1844, see M. T. Nisot, "La nationalité de la femme mariée d'après la loi belge du 15 mai 1922," Clunet (1922) 970. For comment on the law of May 20, 1845, see P. Isbecque, *loc. cit.* 154. For comment on the law of June 5, 1850, see P. Isbecque, *loc. cit.* For comment on the law of June 21, 1865, see Lehr, 40, note 2. For the text of the law of September 22, 1875, in French, see *Ann. de lég. étr.* (1880) 483, note 2. For comment,

[1] Lehr, 40, note 2.
[2] P. Isbecque, "Législation belge en matière de nationalité," *Bull. de lég. comp.* (1919–20) 152.
[3] Id. 153, 154.
[4] *Rev. de dr. int. pr.* (1920) 538, note.
[5] *Am. Jour. Int. Law* (1910) 417.
[6] *Ann. de lég. étr.* (1879) 436.
[7] Id. (1909) 997.
[8] *Rev. de dr. int. et de lég. comp.* (1881) 521.
[9] *Ann. de lég. étr.* (1881) 453.
[10] Clunet (1883) 97.
[11] *Am. Jour. Int. Law Supp.* (1910) 167.
[12] *Rev. de dr. int. pr.* (1917) 179.
[13] 112 *Br. and For. St. Papers*, 989.

see E. Oulif, *Bull. de lég. comp.* (1879) 278. For the text of the law of June 1, 1878, in French, see *Moniteur belge*, June 2, 1878. For text and comment, see *Ann. de lég. étr.* (1879) 436. For the text of the law of April 1, 1879, in French, see *Ann. de lég. étr.* (1880) 482. For the text of the law of August 6, 1881, in French, see *Mon. belge*, August 9, 1881. For comment, see Clunet (1883) 97; *Rev. de dr. int. et de lég. comp.* (1881) 521. For text and comment, see *Ann. de lég. étr.* (1882) 446. For the text of the law of August 7, 1881, in French, see *Ann. de lég. étr.* (1882) 452. For comment on the law of August 15, 1881, see *Ann. de lég. étr.* (1882) 453. For the text of the law of August 16, 1881, in French, see Clunet (1883) 97. For the text of the Circular of the Minister of Foreign Affairs of August 16, 1889, in French, see *Mon. belge*, August 16–17, 1889. For comment, see *Ann. de lég. étr.* (1890) 498. For comment and text of Law of July 16, 1889, see *Ann. de lég. étr.* (1890) 513. For the text of the law of March 25, 1894, in French, see 87 *Br. and For. St. Papers*, 1207. For comment and text, see *Ann. de lég. étr.* (1895) 484. For the text of the law of June 8, 1909, in English, see *Am. Jour. Int. Law Supp.* (1910) 167; in French, see 102 *Br. and For. St. Papers*, 182; *Mon. belge*, June 17, 1909; *Rev. de dr. int. pr.* (1909) 1003. For comment, see "The Belgian law on the acquisition and loss of nationality," *Am. Jour. Int. Law* (1910) 417; "Les doubles nationalitiés résultant de la nouvelle législation belge," Note, Clunet (1911) 125; F. Glesner, *Commentaire de la loi du 8 juin 1909, ayant pour objet l'acquisition et la perte de la nationalité belge* (Namur, 1910), reviewed in *Rev. de dr. int. pr.* (1911) 236; *Rev. de dr. int. pr.* (1909) 997. For comment and text, see *Ann. de lég. étr.* (1909) 256; Clunet (1910) 312; P. Isbecque, "Législation belge en matière de nationalité," *Bull. de lég. comp.* (1919–20) 152. For comment on the law of June 17, 1909, see F. Glesner, *Commentaire*, reviewed in *Am. Jour. Int. Law* (1914) 673. For the text of the law of June 1, 1911, in French, see *Mon. belge* (June 4, 1911). For the text of the decree of April 15, 1916, in French, see *Rev. de dr. int. pr.* (1917) 179. For the text of the law of May 11, 1918, in French, see 111 *Br. and For. St. Papers*, 652. For the text of the law of October 25, 1919, in French, see 112 *Br. and For. St. Papers*, 989; *Br. Parl. Papers*, Misc. No. 4 (1920), Cmd. 590; in French, see *Mon. belge*, No. 2–3–4, November, 1919; *Rev. de dr. int. pr.* (1920) 537. For the text of the law of August 7, 1920, in French, see *Mon. belge*, August 9–10, 1920; *Rev. de dr. int. pr.* (1920) 538, note. For the text of the law of May 15, 1922, in French, see *Ann. de lég. étr.* (1922) 70; Clunet (1922) 1067; Loi sur l'acquisition et la perte de la nationalité du 15 mai 1922, *Mon. belge*, May 25, 1922, 3934; Servais et Mechelynck, codes belges (1927) 1249; in English, see Belgian law respecting the acquisition and loss of nationality, *Br. Parl. Papers*, Misc. No. 7 (1922), Cmd. 1771, p. 3; in German, see Bergmann, II, 10 (abridged); Schwartz, 238. For comment, see E. Audinet, "La nationalité belge, d'après la loi du 15 mai 1922," *Rev. de dr. int. pr.* (1924) 285; Clunet (1922) 1187; Magnus, 6; M. T. Nisot, *La nationalité de la femme mariée d'après la loi belge du 15 mai 1922* (Bruxelles, 1922), reviewed in *Rev. gén. de dr. int. pub.* (1922) 469; M. T. Nisot, *op. cit.*, Clunet (1922) 970, and *Rev. de dr. int.*, 3rd series, III, 365; *Pasimonie belge*, XIII (1922) 97; Poullet, *Manuel de droit international belge* (1925) 40; Schwartz, 79; Standaert, *De l'indigénat en Belgique, Commentaire de la loi du 15 mai 1922* (Bruxelles, 1923). For the text of the law of August 4, 1926, in French, see Servais and Mechelynck, codes belges (1927) 1249; in English, see *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, p. 9.

CONSTITUTION OF FEBRUARY 7, 1831 [1]

[TRANSLATION]

Article 4. Belgian nationality is acquired, retained and lost according to regulations established by the civil law.

[1] Text from McBain and Rogers, *New Constitutions of Europe* (1922) 501. Articles 4 and 5 were not affected by the amendments of 1893 and 1921.

The present Constitution and the other laws relating to political rights determine what other conditions are necessary for the exercise of these rights.

Article 5. Naturalization is granted by the legislative power.

Full naturalization alone admits foreigners to equality with Belgians in the exercise of political rights.

LAW OF MAY 15, 1922[1]

REGARDING ACQUISITION AND LOSS OF NATIONALITY

[TRANSLATION]

Article 1. The following are Belgian citizens:

(1) The legitimate child born from a father of Belgian nationality at the time of birth of the child, even if the child is born abroad.
(2) The child born in Belgium from legally unknown parents. The foundling in Belgium is presumed to be born on Belgian territory, until a contrary proof arises.

Article 2. The illegitimate child whose maternal parentage is legally recognized during his minority and before his emancipation, follows the nationality of his mother at the time of the act of recognition, or when the judgment proclaiming parentage is published. If the judgment is rendered only after the mother's death, the child follows the nationality of the mother at the time of her decease.

It follows the father's nationality if the voluntary or judicial recognition of the father's parentage is prior to or at the same time as that of his maternal recognition.

Article 3. The illegitimate child legitimized during his minority and before his emancipation, follows the nationality of his father if the latter is a Belgian or a citizen of a nation whose law confers to legitimized children their father's nationality.

Article 4. The foreign woman who marries a Belgian or whose husband becomes a Belgian by option, follows the nationality of her husband.

Article 5. Minor children, who are not emancipated, become Belgians when the parent under whose care they are acquires or recovers Belgian nationality. They may, however, until they have attained their twenty-second year, renounce their Belgian nationality by means of a declaration drawn up in the form established by Article 22.

Article 6. The following may acquire Belgian nationality by option under the conditions and within the forms established hereafter:

(1) The child born in Belgium.
(2) The child born abroad from parents one of whom is of Belgian nationality.

[1] Text from enclosure with Despatch No. 112, December 10, 1924, from the American Ambassador to Belgium to the Secretary of State.

Article 7. The option cannot be exercised in case where a law in force in the country to which applicant belongs authorizes him to keep his nationality notwithstanding his acquiring another.

Article 8. The option can be exercised only when the two following conditions have been fulfilled:

(1) The applicant must have had his ordinary residence in Belgium during the year prior to the declaration of option. Moreover, he must have principally resided in Belgium, either during the period between his fourteenth and eighteenth year, or else during nine years at least.
(2) The declaration of option must be made before the applicant attains his twenty-second year.

During minority, residence abroad is assimilated to the residence in Belgium, as long as the father was in the Belgian Government's service abroad.

The residence condition required by paragraph 1 above, extends only to the year prior to the option, when a child born from foreign parents, one of which was formerly of Belgian nationality, is concerned.

Article 9. The applicant who can prove he was unable to make his declaration of option from the time he attained twenty-one years of age, may be relieved from forfeiture by the court competent to deal with the approval of the option.

Article 10. Declarations of option are made to the magistrates of the Lower Court of Justice of the place where the applicant has his usual residence. An act is drawn up accordingly by the Public Prosecutor. The latter makes it at once publicly known by means of posters affixed outside the city hall and outside the applicant's home, also by a notice published in a local newspaper. This publication mentions the period during which the magistrate investigates the qualifications of the applicant. Justices of peace are called upon to give their opinion.

The Lower Court of Justice decides as to the approval of the option, upon the advice given by the Public Prosecutor, the declarant having been heard or sent for. The decision is made; the applicant is notified by the Public Prosecutor.

Within fifteen days from the day of notification, the applicant or the Public Prosecutor may appeal against the court's decision by way of a request made to the High Court of Justice. The latter enact in the last resort, the Attorney General's advice having been obtained and the applicant having been heard or summoned.

The summons and notifications follow administrative lines.

The final decision for acceptance is copied, upon request of the Public Ministry, into the register mentioned in Article 22. The option becomes effective only from the date of entry.

Article 11. Naturalization confers Belgian nationality. However, ordinary naturalization does not confer the political rights for which the Constitution or the laws require the final naturalization.

Article 12. In order to obtain final naturalization, one must:

(1) Be fully twenty-five years of age.
(2) Have resided for at least ten years in Belgium or in the Colony. This period is reduced, however, to five years for a foreigner married to a woman of Belgian origin or for the widower or divorced husband of a woman of Belgian origin by whom he has one or several children, and for a foreign-born woman who married a Belgian.

Final naturalization may be granted, without additional conditions, for appreciable services rendered the state or the colony.

Article 13. In order to obtain ordinary naturalization, one must:

(1) Be fully twenty-two years of age.
(2) Have resided in Belgium or in the colony for at least five years. However, this period is reduced to two years for a foreigner married to a woman of Belgian origin or for a widower or divorced husband of a woman of Belgian origin by whom he has one or several children.

Article 14. The application for naturalization shall not be considered in cases where a law in force in the country to which the applicant belongs authorizes him or her to keep his nationality notwithstanding his acquiring another.

Article 15. A wife who together with her husband makes an application for obtaining naturalization is exempted from submitting to the conditions mentioned in Articles 12 and 13. The same applies to full-aged or emancipated sons and non-married full-aged or emancipated daughters who make an application for naturalization together with their father.

Article 16. Any application for naturalization is to be signed by the applicant or by his special and authentic attorney in fact. It is addressed to the Minister of Justice. The latter transmits it to the magistrates of the Lower Court of Justice of the place where applicant has his usual home. The Public Prosecutor makes it at once publicly known and investigates the qualifications of the applicant, according to indications in Article 10.

When the case is investigated, the application form together with annexed documents are transmitted to the Legislative Chambers.

If applicant resides in the Belgian Congo, the publication of his request and the investigation of his case are taken by the Minister of Colonies.

Article 17. The naturalization act voted by the Chambers and sanctioned by the King is made known to the applicant through the Minister of Justice. Within two months to reckon from the time of notification, the applicant or his special and authentic attorney in fact must require that it be copied into

the register referred to in Article 22. This act becomes effective only from the date of its transcription.

It is published in the *Moniteur belge*, the transcription being mentioned.

Article 18. The following persons lose Belgian nationality:

(1) Those who voluntarily acquire a foreign nationality. By this is meant those persons who, having rightly acquired a foreign nationality, renounce the Belgian nationality by way of a declaration made within the forms of Article 22.

(2) The woman who marries a foreigner of specified nationality if, by virtue of the law in force in her husband's country she acquires his nationality.

(3) The woman whose husband voluntarily acquires a foreign nationality, if she acquires her husband's nationality by virtue of the foreign law.

However, a wife may, in both cases, keep her Belgian nationality if she is of Belgian origin, and this by way of a declaration made within the forms of Article 22, in the course of six months following her marriage or after the date on which her husband ceased to be a Belgian.

(4) The minor children of a Belgian, who became a foreigner by application of the present article and whose children are under his care, if they acquired the foreign nationality together with their father.

Article 19. A woman who has lost Belgian nationality by application of the second and third paragraphs of Article 18, can, if she is of Belgian origin, recover it after annulment of her marriage, through a declaration of option made after she has resided one year in Belgium.

A child who has lost Belgian nationality by application of paragraph 4 of Article 18, can recover it between the age of 18 and 22, by means of a declaration of option, made after having resided one year in Belgium. The provision of Article 9 may, in this case, be applied.

Declarations of option made by virtue of the present article are submitted for approval to the judicial authorities and the act of approval is copied, according to Article 10.

Article 20. The acquisition, the loss or the recovery of Belgian nationality, whatever be the cause that may lead to it, only has effects for the future.

Article 21. Minor children, when they become fully sixteen years of age, are entitled to make for themselves the declaration foreseen in Articles 5, 10, 18 and 19, with the assistance of the persons whose consent they will need in the question of validity of marriage, according to the conditions prescribed in Chapter I of Title V, Book 1, of the Civil Code.

The consent is given either in the declaration act itself, or by separate act received by a civil official of the city hall; this separate act should be attached to the declaration act.

Article 22. Declarations referred to in Articles 5 and 18 are made either before a municipal officer of the declarant's residence in Belgium, or before Belgian diplomatic or consular agents abroad; they are inscribed either in the birth register or in a special register kept in duplicate. The officer of the city hall acts without witnesses. These declarations are copied in the margin opposite the birth declaration.

The same is done as regards approval of option and transcription of naturalization acts.

Article 23. The title of Belgian at birth is sufficiently justified by the possession of Belgian papers by the father of the claimer, whose nationality he follows.

The possession of the title of Belgian is acquired by using the rights which this title confers.

A proof to the contrary is authorized.

Article 24. Articles 1 to 11 of the law of August 6, 1881, regarding naturalization, Articles 1 to 15 of the law of August 8, 1909, concerning acquisition and loss of nationality, the law of June 1, 1911, and the decree of May 11, 1918, relative to the descendants of inhabitants of territories ceded to the kingdom, and Articles 3 and 5 of the law of October 25, 1919, regarding options of a country, are abolished.

Transitory Provisions

1. During the year which follows the enforcement of the present law, those persons referred to in Articles 1 and 5 of the law of October 25, 1919, in cases of option for a country, may choose Belgian nationality, even if they are more than twenty-two years old, provided they fulfill the other conditions prescribed in Articles 6 and 7 above.

To be effective, their choice must be approved in accordance with the provisions of Article 10, as above.

2. Declarations foreseen in Article 4 of the law of October 25, 1919, concerning option for a country, must be made within the forms of Articles 21 and 22 above mentioned.

3. The persons who are of Belgian nationality through having failed to renounce same as mentioned in Articles 6, 7 and 17 of the law of June 8, 1909, and the law of May 26, 1914, may, in the course of a period of one year following the date of enforcement of the present law, renounce their Belgian nationality, by expressing their desire to recover foreign nationality. This declaration is submitted to the conditions and made within the forms of Article 22 above. Same may be made before Belgian diplomatic or consular agents abroad, as also by special and authentic power of attorney.

4. The children and descendants of any individual who, having been able to keep Belgian nationality as a consequence of the stipulations of Article 1 of the law of June 4, 1839, has lost it through negligence to make the neces-

sary declaration or to transfer his home in Belgium, may acquire Belgian nationality by declaring to a municipal officer of the city hall of their usual place of residence that such is their desire.

The declaration must be made in accordance with the rules and within the forms of Articles 21 and 22 above. It should be made during the period of three years from the date of enforcement of the present law and, in the case of minors, from the date of their majority.

5. During the six months following the enforcement of the present law, the women of Belgian origin who have lost the title of Belgian through their marriage with a foreigner or because of their husband having acquired a foreign nationality, may recover Belgian nationality by means of a declaration made within the forms of Article 22.

6—(1) At the instance of the Public Ministry, a Belgian who has acquired Belgian nationality by option or naturalization and has seriously failed in his duties toward Belgium or her Allies during the war, may be declared to have forfeited his Belgian citizenship.

(2) Article 2 of the law of February 12, 1897, concerning foreigners is not to apply to those guilty of forfeiture.

(3) The procedure regarding forfeiture is carried on before the Civil Lower Court of Justice at the home of the defender, or, if residence is unknown, before the Civil Lower Court of Justice of his last residence. For lack of a known home or residence in Belgium, the Brussels Lower Court of Justice deals with the case.

The judgment may be appealed from.

If the judgment or decision is rendered by default, it shall be published in the *Moniteur belge* and in two local papers; attachment will no longer be accepted after a period of eight days to reckon from the date of publication; this delay may, however, be increased in accordance with the terms of Article 1033 of the Code on Civil Procedures.

(4) The action taken with regard to foreigners cannot be introduced after a period of three years to start from the date of enforcement of the present law.

(5) Any judgment passed in connection with forfeiture which is included among adjudicated matters is entered into the register mentioned in Article 22. A mention is made in the margin opposite the birth act, the act of option or of naturalization.

The forfeiture is effective only from the date of its entry.

An extract of this is published in the *Moniteur* belge.

(6) The wife of the denationalized Belgian may renounce Belgian nationality within the delay of one year from the date of transcription of forfeiture; if she is a minor, the delay starts from the date of her majority.

The same applies to children and the delay is the same. Minor children are authorized to renounce Belgian nationality as soon as they are eighteen

years of age, according to the conditions enumerated in Article 21 of the present law.

The renunciation of a nationality is made within the forms of Article 22 of the present law.

INSTRUCTIONS CONCERNING NATURALIZATION[1]

MINISTERIAL CIRCULARS OF JULY 31, 1923, ISSUED BY THE MINISTRY OF JUSTICE

[TRANSLATION]

1. ORDINARY NATURALIZATION

Ordinary naturalization is only granted to foreigners who have completed their twenty-second year, whose ordinary residence is in Belgium or in the Belgian Congo, and this after at least five years; however, this period is reduced to two years for foreigners married to a woman of Belgian origin or for the widower or divorced husband of a woman of Belgian origin by whom he has one or several children.

It is prior to the request and not prior to the publication of the law on this matter that foreigners must have fulfilled the condition of the five years. (Report of the central section on the law of 1835—*Moniteur belge*, August 28, 1835).

Applications must be addressed to the Minister of Justice.

They are made out in a simple copy upon *unstamped* paper: (See Articles 62–92 of law of March 25, 1891, on postage.) To them are to be annexed the following documents for justification:

(1) *Birth certificate* of applicant (duly legalized by the judiciary authorities of the province in which the applicant's birth place is situated).

(2) A testimonial stating (1) that applicant has resided *five* years in Belgium or in the Belgian Congo in the case of his being a bachelor or in the case of his being married to a woman of foreign origin; (2) or that applicant has resided *two* years in Belgium or in the Belgian Congo in the case of his being married to a woman of Belgian origin, or is the widower or the divorced husband of a woman of Belgian origin by whom he has one or several children. (See extracts from municipal registers on population).

(3) *A biographical notice* together with documents for justification showing:

A. His social position and the various places where he resided *abroad* (with the mention of each one, the date at which he proceeded to these places and the period during which he remained in each of them);

B. The reason why he left his country and came to reside in Belgium; also why he wishes to acquire Belgian nationality;

[1] Text from enclosure with Despatch No. 112, December 10, 1924, from the American Minister to Belgium to the Secretary of State.

C. His social position and the various places where he resided in *Belgium or in the Belgian Congo*, his connections, references and means of existence; his personal properties and real estate in Belgium and abroad, if any.

(4) His promise to pay, in the event of his obtaining the ordinary naturalization, a sum of fr. 500 for registry expenses, as decreed by law of August 7, 1881, modified by the law of August 28, 1921 (*Moniteur belge*, September 30, 1921).

N.B. *Since no exemption from paying registry duties can be granted except in the special cases referred to in the law (appreciable services rendered the state), no reply will be given to applications should the above-mentioned conditions not be fulfilled.*

(5) A certificate showing that he completed *military service* either in Belgium or abroad, or that he is legitimately exempted therefrom.

(6) A certificate stating the law issued by competent authorities of his own country and answering the purpose of Article 14 of the law of May 15, 1922, which reads as follows:

Article 14. The application for naturalization shall not be considered in cases where a law in force in the country to which the applicant belongs authorizes him or her to keep his nationality notwithstanding his acquiring another.

(7) A translation of the documents written out in a foreign language.

N.B. (A) *The benefit of naturalization granted the husband cannot be extended to his wife; if she wishes to obtain the same favor, she should make an application similar to the one made by her husband and add the same documents (except, of course, the certificate referred to in No. 5).*

Since Art. 15 of the Law of May 15, 1922, provides that: "the wife who together with her husband makes an application for obtaining naturalization is exempted from submitting to conditions mentioned in Articles 12 and 13"—(age & residence)—of the said law, the wife is not required to hold the documents enumerated in No. 2 of the present information sheet, if the application is made jointly by husband and wife.

(B) *Full-aged or emancipated sons and non-married full-aged or emancipated daughters who apply for naturalization together with their father, are exempted from submitting to age and residence conditions and consequently from furnishing documents referred to in No. 2 above.*

(C) *Beside the registry duties fixed by the law of August 7, 1881, modified by the law of August 28, 1921, procedure expenses are incumbent upon the applicant; the magistrates dealing with applications for naturalization should require from applicants prepayment of a sum sufficient to cover procedure expenses.*

2. Final Naturalization

Final naturalization can only be granted to persons:

(1) *Over twenty-five years* of age.
(2) Whose ordinary residence is in Belgium or in the Belgian Congo, and this for *ten* years at least. However, this period is reduced to five years for foreigners married to a woman of Belgian origin or for the widower or the divorced husband of a woman of Belgian origin by whom he has one or several children, and in the case of a woman of foreign origin married to a Belgian man.

Besides *all* documents for justification required upon application for *ordinary* naturalization, the applicant must be in possession of:

(1) A testimonial stating that he resided ten or five years in Belgium or in the Belgian Congo.
(2) A certificate concerning his wife and children, issued by the municipal authorities of their place of residence if he married a woman of Belgian origin or in the case of his being a widower or divorced husband of a Belgian woman by whom he has one or several children, and has not resided ten years in Belgium or in the Belgian Congo.

Final naturalization may be granted without conditions in case of appreciable services rendered to the state or to the colony.

Registry duties in connection with *final* naturalization amount to fr. 1000 (law of August 7, 1881, modified by the law of August 28, 1921—*Moniteur* belge of September 30, 1921). These duties may be reduced to fr. 500, if applicant has previously paid the registry expenses in connection with ordinary naturalization. (For exemptions, see remark following No. 4.)

N.B. *The benefit of naturalization granted the husband cannot be extended to his wife; if she wishes to obtain the same favor, she should make an application similar to the one made by her husband and add the same documents (except, of course, the certificate referred to in No. 5).*

Since Article 15 of the law of May 15, 1922 provides that "the wife who together with her husband makes an application for obtaining naturalization is exempted from submitting to conditions mentioned in Articles 12 and 13"—(age & residence)—of the said law, the wife is not required to hold the documents enumerated in No. 2 of the present information sheet, if the application is made jointly by husband and wife.

(B) *Full-aged or emancipated sons and non-married full-aged or emancipated daughters who apply for naturalization together with their father, are exempted from submitting to age and residence conditions and consequently from furnishing the documents referred to in No. 2 of the present information sheet.*

(C) *Beside the registry duties fixed by the law of August 7, 1881, modified by the law of August 28, 1921, procedure expenses are incumbent upon the appli-*

cant; the magistrates dealing with applications for naturalization should require from applicants prepayment of a sum sufficient to cover procedure expenses.

LAW OF AUGUST 4, 1926[1]

RELATIVE TO THE ACQUISITION, RECOVERY AND LOSS OF NATIONALITY

[TRANSLATION]

Article 1. Persons—born in Belgium of foreign parents, or even born abroad of parents one of whom possesses or possessed Belgian nationality—who have omitted to subscribe a declaration before the competent authority within the periods prescribed by the various previous laws on nationality, or who have subscribed a declaration which is invalid or insufficient, may opt for Belgian nationality within three years from the date of the coming into force of the present law. The declarant must fulfil the conditions prescribed by Article 7 of the law of May 15, 1922, and in order to have effect, his option must be accepted in accordance with the provisions of Article 10 of that law.

The benefit of this article will be refused to foreigners who, being liable to military obligations in Belgium, have neglected to fulfil them.

Article 2. The children and descendants of any person who, having been at liberty to preserve Belgian nationality under the terms of Article 1 of the law of June 4, 1839, has lost it by failing to make the declaration required or to transfer his domicile to Belgium, may acquire Belgian nationality on declaring before the *Officier de l'Etat civil* of the place where they habitually reside that such is their intention.

The declaration is subject to the regulations as to capacity and form of Articles 21 and 22 of the law of May 15, 1922.

It must be made within a period of three years from the date of the coming into force of the present law, and in the case of minors, from the date of their majority.

Article 3. Belgian women who have lost Belgian nationality in consequence of their marriage with a foreigner, or by reason of the acquisition of a foreign nationality by their husband, are permitted, within the period of three years from the date of the coming into force of the present law, to recover Belgian nationality by a declaration made in the forms of Article 22 of the law of May 15, 1922.

The benefits of the present article will be denied to women who only became Belgian by marriage.

Article 4. Women who have become Belgian in consequence of their marriage with a Belgian or by reason of the acquisition of Belgian nationality by their husband are permitted, within three years from the date of the coming into force of the present law, to renounce Belgian nationality by

[1] Text from *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, p. 9.

a declaration made in accordance with the forms of Article 22 of the law of May 15, 1922.

Article 5. Persons who have lost Belgian nationality by the application of Article 18 (4) of the law of May 15, 1922, and have omitted to subscribe within the prescribed period the declaration mentioned in Article 19, paragraph 2, of the said law for the recovery of that status, may make the said declaration within the three years from the date of the coming into force of the present law, subject to the fulfilment of the conditions and formalities provided in the said Article 19.

Article 6. Belgian nationality is acquired as of right by persons born in the so-called neutral territory of Moresnet, which has become the commune of La Calamine, as well as the descendants of persons born in that territory, who were established in Belgium before August 1, 1914 and reside there at the date of the coming into force of the present law.

The persons contemplated above who established themselves in Belgium after August 1, 1914, and still reside there at the moment of the coming into force of the present law, are permitted, within the period of three years from that date, to claim Belgian nationality, subject to the authorization of the King, and to the condition that the claimant declares that it is his intention to maintain his domicile in Belgium and that he effectively establishes it there within the year of the declaration. The latter is made in accordance with Articles 21 and 22 of the law of May 15, 1922.

Article 7. Persons not less than eighteen years of age born in the territories of Eupen, Malmedy and Saint-Vith, as well as the descendants of persons born in those territories, who reside in Belgium at the moment of the coming into force of the present law will be permitted, within the three years from that date, to claim Belgian nationality subject to the authorization of the King and to the condition that the claimant declares that it is his intention to fix his domicile in Belgium and that he effectively establishes it there within the year of the declaration. The latter is made in accordance with Articles 21 and 22 of the law of May 15, 1922.

Article 8. German nationals and ex-German nationals of not less than eighteen years of age and established in the territories of Moresnet, Eupen, Malmedy and Saint-Vith at the moment of the coming into force of the present law are permitted, within the period of three years from that date, to claim Belgian nationality subject to the authorization of the King, and on condition that the claimant declares that it is his intention to establish his domicile in Belgium, and that he effectively establishes it there within the year of the declaration. The latter is made in accordance with Articles 21 and 22 of the law of May 15, 1922.

Article 9. German nationals of not less than eighteen years of age who have become Belgians as of right in virtue of paragraph 2 of Article 2 of the law of September 15, 1919, and of paragraph 1 of Article 36 of the

Treaty of Versailles may, during a period of two years from the date of the coming into force of the present law, renounce Belgian nationality before the *Officier de l'Etat civil* of the place where they are domiciled.

Article 10. Persons possessing Belgian nationality, unless they have declined the same in accordance with Articles 6, 7 and 17 of the law of June 8, 1909, the law of May 26, 1914, and Article 5, paragraph 2, of the law of May 15, 1922, may, within a period of three years from the coming into force of the present law, renounce Belgian nationality on declaring their intention to recover foreign nationality.

This declaration is subject to the rules of form of Article 22 of the law of May 15, 1922.

It may also be made before the diplomatic and consular officers of Belgium abroad; it may also be made by special and authentic power of attorney.

Article 11. The period of three years prescribed by section 4 of Transitory Provision 6 of the law of May 15, 1922, for the institution of action for the revocation of Belgian nationality against a Belgian by option or by naturalization who gravely neglected his duties toward Belgium or her allies during the war, is reopened for a fresh period of three years from the date of the coming into force of the present law.

A foreigner who has tacitly indicated his choice by benefiting by Article 7 of the law of June 8, 1909, is a Belgian by option.

Article 12. The following provision is added to Article 4 of the law of May 15, 1922:

> Nevertheless, she may renounce Belgian nationality by a declaration made in accordance with the forms of Article 22 during the six months from the date of the marriage or the date on which the husband became Belgian.

Article 13. Article 6 (2) of the law of May 15, 1922, is modified as follows:

> 2. The child born in the colony or abroad of parents one of whom possesses or possessed Belgian nationality.

Article 14. To Article 8 of the law of May 15, 1922, are added the words: "or in the colony" after the words "in Belgium" which occur twice in (1) and once in (2), paragraph 2, of the said Article 8.

Article 15. Article 10 of the law of May 15, 1922 is modified as follows:

> The declaration of option is made in Belgium or the colony before the Court of First Instance of the place where the declarant is habitually resident. The Public Prosecutor (*Procureur du Roi*) takes formal note thereof. The Public Prosecutor takes immediate steps for the publication, in Belgium, by notices on the door of the communal house and insertion in a newspaper of the provinces, in the Congo, by the method determined by the Minister of the Colonies.

The publication shall mention the period during which the Public Prosecutor institutes an inquiry into the suitability of the declarant.

In Belgium the magistrate is always called upon to give his opinion.

The Court of First Instance in Belgium or in the colony decides as to the acceptance of the option after consulting the Public Prosecutor, the person being examined or asked to attend. Reasons are to be given for the decision; it is to be notified to the person concerned by the Public Prosecutor.

Within fifteen days of the notification the declarant and the Public Prosecutor may appeal against the decision of the court by a request addressed to the Court of Appeal. The latter shall give the final decision after consulting the Attorney General, the person concerned being examined or asked to attend.

Citations and notifications are made through the administrative channel.

The final decision of acceptance is transcribed by the Public Ministry in the register mentioned in Article 22. The option only has effect from the date of the entry.

Article 16. To Article 18 (1) of the law of May 15, 1922, a third paragraph is added, which reads as follows:

> Nevertheless, if the person concerned is still subject to obligations of military service for the active army and its reserve, the acquisition of a foreign nationality will only cause him to lose Belgian nationality subject to authorization of the King.

Article 17. The second paragraph of Article 18 (3) of the law of May 15, 1922, is modified as follows:

> Nevertheless, a Belgian woman—save if she only became Belgian through her marriage—may, in the two cases provided in the preceding paragraph, preserve Belgian nationality by a declaration made in accordance with the forms of Article 22 during the six months from the date of the marriage, or the date on which the husband ceased to be a Belgian.

Article 18. To paragraphs 1 and 2 of Article 19 of the law of May 15, 1922, are added the following words: "or in the colony" after the words "in Belgium" there expressed.

Article 19. To Article 22 of the law of May 15, 1922, are added the following words: "or in the colony" after the words "before the *Officier de l'Etat civil* of the place of residence in Belgium."

Article 20. The registers in which are transcribed the acts of option and naturalization and which are prescribed by Articles 10, 17 and 22, of the law of May 15, 1922, are subject, in Belgium, to the provisions of Articles 40 to 45 and 50 to 54 of the Civil Code, and in the colony, to the general provisions relative to the *actes d'état civil*.

BELGIAN CONGO

CIVIL CODE OF 1892 [1]

[TRANSLATION]

CHAPTER I.—ON NATIONALITY

1. The Congo nationality is acquired by birth on the territory of the state of Congo parents, by naturalization, by presumption of the law and by option.

2. Naturalization is personal to him who obtains it. Nevertheless, the wife whose husband has obtained his naturalization and the minor infant born, before the naturalization, of a father naturalized becomes a Congo subject, if by this fact they have lost their nationality.

3. The foreigner of twenty-one years who wishes to obtain naturalization should address his demand to the King or to the functionaries delegated by him for this matter.

4. The child born on the soil of the state of parents legally unknown or without nationality being determined is a Congo subject.

The child found on Congo soil is presumed, until proof to the contrary, to have been born on that soil.

The illegitimate child whose filiation has been established during its minority follows the condition of his father if the acknowledgment by its parents results in the same act; otherwise it follows the condition of that one of the parents which first acknowledged it.

5. The child born on the soil of the state, of a foreigner, can in the year which follows the event of his majority, acquire the quality of a Congo subject by a declaration expressing his own intention in this regard.

If the child has been domiciled in the Congo during the year which follows the event of its majority, the intention of acquiring the quality of a Congo subject is presumed to exist at the end of this period, unless a declaration is voluntarily made to the contrary.

6. The following will enjoy all the civil rights:

(1) The individuals who would have obtained the naturalization;
(2) The nationals who by birth or by acknowledgment would have been regularly inscribed on the registers of the civil status;
Those who would have applied to the administrative officers of civil status for the registering of their marriage;
Those who would have obtained from the public authority their matriculation in the registers of the civilized population.

[1] Text from enclosure with Despatch No. 148, February 16, 1925, from American Consul, Loanda, Angola, to the Secretary of State.

ORDER OF THE SECRETARY OF STATE, MARCH 1901 [1]

[TRANSLATION]

1. The foreigner of twenty-one years of age who wishes to become naturalized should address his application in a petition to the King through the intermediary of the Secretary of State or of the Governor General.

2. The petition will be accompanied by the following justifying documents:

(1) The birth certificate of the petitioner, or, in default of this, a judicial or administrative certificate attested by four witnesses.
These documents will be duly legalized by the competent authority of the jurisdiction in the district where the birth occurred;

(2) A copy certified by the functionary charged with the service of matriculation of the non-natives, of the certificate of matriculation of the applicant;

(3) A biographical sketch accompanied by documents making known:
(a) His social position, his different residences in foreign countries, their durations;
(b) The reasons which have made him leave his native country and apply for the quality of a Congo subject;
(c) His social position in the Congo, whether he has personal property or real estate in the Congo or in foreign countries;
(d) If he is or has been married and if he has a wife and children living, a certificate that they are living. This certificate duly legalized should emanate from the competent authority of the locality or, if necessary, the country of their residence.

(4) The proof that he has satisfied his military service or that he is legitimately exempted from it in his country of origin;

(5) The translation into the French language of the documents written in foreign languages.

3. The petitions for naturalization will be acted upon after an inquest is made on the morality of the foreigner. The decision will be without appeal.

In case of refusal, the interested party will be advised by administrative notice.

The decision which will accord the naturalization will be rendered by decree of the Sovereign King.

4. The applicant, who has become naturalized by decree of the Sovereign King, will be admitted to enjoy the quality of Congo citizen, but only after the moment when he shall have accepted before the Governor General or the functionary delegated by him, the naturalization, and taken an oath of being faithful to the Independent State of the Congo, of respecting its laws, of not invoking in this, its territories, the protection of any state and of never carry-

[1] Text from enclosure with Despatch No. 148, February 16, 1925, from American Consul, Loanda, Angola, to the Secretary of State.

ing arms against it; moreover, he will be admitted to the oath only upon the presentation of the receipt showing payment to the accounting officer of the state, of the sum of 250 francs, as official fee.

5. He will be given immediately a *procès-verbal* on ordinary paper, both of the acceptance and of the oath. This *procès-verbal* will be signed by the functionary who attended to the case, and by the declarant, or mention will be made of the cause which hinders him from signing it. The *procès-verbal* will be put in the archives of the government, which may deliver a copy of it to the interested person.

6. The present order will enter into force April 1, 1901.

DECREE OF JUNE 21, 1904[1]

NATIVES OF THE CONGO

[Translation]

1. Every native of the Congo, as long as he resides on the territory of the state, retains his Congo nationality, is required to submit to the laws of the state and shall be treated as a subject of the state, especially in so far as concerns the criminal jurisdiction, extradition and deportation, even if he alleges that he has obtained by naturalization, residence abroad or otherwise, a foreign nationality or to have become a dependent of a foreign power.

2. A person who, under the preceding article, leaves the territory of the state without intention of returning, should so advise the Governor General. If he fails to do so he remains bound by all the legal obligations of a subject of the Congo.

3. [Omitted.]

[1] Text from enclosure with Despatch No. 432, April 25, 1929, from the American Chargé d'Affaires at Brussels to the Secretary of State.

BOLIVIA

EDITORS' NOTE. Provisions in regard to nationality have been contained in the various constitutions of Bolivia. There have been fourteen revisions of the Constitution since 1825, namely in 1826, 1828, 1831, 1834, 1837, 1839, 1851, 1865, 1868, 1871, 1878, 1880, and those by the laws of November 12, 1887 and November 19, 1888.[1]

There were also certain nationality provisions in Bolivia's Civil Code of January 1, 1830,[2] and in the code of December 28, 1903, Articles 9, 10, 11, 12 and 13.[3]

BIBLIOGRAPHY: Lehr, 44; Zeballos, I, 636.

For the text of the Constitution of October 17, 1880, in Spanish, see *Constitución política del Estado* (1924); in French, Cogordan, 470. For comment on the Constitution, see Clunet (1917) 826. For comment on the Civil Code of 1830, Articles 9 and 13, see Clunet (1917) 826.

CONSTITUTION OF OCTOBER 17, 1880 [4]

[TRANSLATION]

SECTION IV.—BOLIVIANS

Article 31. Bolivians by birth are the following:

1. Those born in the territory of the republic.

2. Those born in a foreign country of a Bolivian father or mother in the service of the republic, or who emigrated for political reasons. These shall be held to be Bolivians even in case that under any special law actual nativity in Bolivian territory may be required.

Article 32. The following are also Bolivians:

1. Children of Bolivian fathers or mothers, born in a foreign country, by the simple fact of acquiring residence in Bolivia.

2. Foreigners who, having resided one year in the republic, declare before the municipal authorities of the place where they live their desire to become Bolivians.

3. Foreigners who, as a privilege, have obtained letters of naturalization from the Chamber of Deputies.

SECTION V.—CITIZENSHIP

Article 33. To be a citizen one is required:

1. To be a Bolivian.

2. To be twenty-one years of age if unmarried, or eighteen if married.

3. To be able to read and write, to own real estate, or have an annual income of two hundred bolivianos, provided that this amount does not represent wages for services rendered as a domestic.

4. To be inscribed in the civic register.

[1] Zeballos, I, 636. [2] Lehr, 44. [3] Clunet (1917) 826.

[4] Text from enclosure with Despatch No. 61, October 18, 1928, from the American Legation at La Paz to the Secretary of State.

Article 34. Citizens shall have the following rights:

1. To concur in the constitution or exercise of the public powers, either as an elector, or an eligible candidate.

2. To be eligible for all public functions, with no other requisite than that of fitness, saving the exceptions established by this Constitution.

Article 35. The rights of citizenship shall be forfeited:

1. By naturalization in a foreign country.

2. By judicial sentence passed by a competent tribunal inflicting any form of corporal punishment, until rehabilitation is obtained.

3. By declaration of fraudulent bankruptcy.

4. By acceptance of employment, functions, or decorations from a foreign government without special permission from the Senate.

Article 36. The rights of citizenship are suspended and shall remain *sub judice*, as long as the citizen is under indictment or subject to a writ of execution for debt to the national treasury.

CIVIL CODE OF 1830 [1]

[TRANSLATION]

Article 8. An alien woman who marries a Bolivian will follow the status of her husband.

Article 11. A Bolivian woman married to an alien will follow the status of her husband. Should she become a widow she will regain the status of Bolivian, provided that she resides in the republic or returns to it declaring her intention of living therein.

[1] Text from Enrique Mallea Balboa, *Codigo civil boliviano, única reimpresión oficial autorizada por Resolución de diciembre de 1903* (La Paz, 1906).

BRAZIL

EDITORS' NOTE. Under the Empire nationality was governed by the Brazilian Constitution of March 25, 1824.[1] Title II, Article 6, provided that all persons born on Brazilian territory were Brazilian subjects. Children born abroad of Brazilian parents did not acquire nationality *jure sanguinis* unless they established their domicile in Brazil. Naturalization in a foreign country or the acceptance of any foreign office or decoration was, according to Article 7, a cause of the loss of Brazilian nationality. The constitutional provisions in regard to naturalization were modified by the additional act of August 12, 1834.[2]

The law of September 10, 1860 [3] provided (Article 2) that an alien woman marrying a Brazilian followed the condition of her husband; this was also the case when a Brazilian woman married an alien. The word "condition", however, had been interpreted by the Council of State as not including nationality.[4] Nevertheless, the decree of September 6, 1865 [5] provided for the recovery of Brazilian nationality by a widow. The laws of June 23, 1855, and July 12, 1871 [6] governed the conditions of naturalization, the latter law requiring a residence of two years. Naturalization was also provided for in the order of March 27, 1882.[7] The order of May 20, 1887,[8] facilitated the naturalization of certain foreigners. According to the order of January 9, 1889,[9] letters of naturalization could be cancelled only for fraud in obtaining them.

The nationality of minor children of a naturalized Brazilian was regulated by the order of December 10, 1889.[9] The decree of December 14, 1889 [9] (Article 1) provided that all foreigners residing in Brazil on the 15th day of November 1889 would be considered as Brazilians unless within six months they made a declaration to the contrary. Article 2 of this decree provided that all foreigners who should reside in Brazil for two years would also be considered Brazilians, unless they should make the declaration provided for by Article 1. This decree was the subject of protest by several governments.[10] The Constitution of 1824 has been replaced by that of February 24, 1891,[11] as amended on September 7, 1926.

BIBLIOGRAPHY: M. De Azevedo, *Ensaio sobre a nacionalidade* (Ceará, 1917); R. O. de Menezes, "Naturalisation et recouvrement de la nationalité dans la législation brésilienne," *Revue de l'Institut de droit comparé* (1913) 299; R. O. de Menezes, *Direito do estrangeiro no Brasil* (Rio de Janeiro, 1909); Folleville, 634; Lehr, 47; Magnus, 10; Naturalization Projects, *Ann. de lég. étr.* (1884) 867.

For comment on the law of June 23, 1855, see *Ann. de lég. étr.* (1890) 1021. For comment on the law of July 12, 1871, see Folleville, 639. For comment on the projects of 1883, see *Ann. de lég. étr.* (1884) 881. For comment on the order of May 20, 1887, see *Ann. de lég. étr.* (1888) 966. For comment on the order of January 9, 1889, see *Ann. de lég. étr.* (1890) 995. For text and comment on the decree of November 26, 1889, see *Ann. de lég. étr.* (1890) 994, 1021. For comment on the order of December 10, 1889, see *Ann. de lég. étr.* (1890) 995. For the text of the decree of December 14, 1889, in French, see Clunet (1890) 764; *Diario official*, December 15, 1889. For text and comment, see *Ann. de lég. étr.* (1890) 994, 1022. For the text of the Constitution of 1890, in English, see *Constitution of the United States of Brazil of 1890* (Pan American Union); in French, see *Ann. de lég. étr.*

[1] Cogordan, 471. [2] Folleville, 634. [3] Id. 642. [4] Id. 646. [5] Id. 642.
[6] *Ann. de lég. étr.* (1890) 1021; Folleville, 639.
[7] *Ann. de lég. étr.* (1883) 1058, note 2. [8] Id. (1888) 966. [9] Id. (1890) 995.
[10] See circular of May 28, 1890, relating to questions put by the French Legation, *Ann. de lég. étr.* (1891) 902. See also notes of August 2, 1890, to different legations, ibid. For the protest of the United States, see 3 Moore, *Digest*, 307. [11] Lehr, 47.

(1890) 768. For the text of the decree of May 15, 1890, in French, see Clunet (1890) 765. For comment on circular of May 28, 1890, see *Ann. de lég. étr.* (1891) 902. For the text of the decree of June 13, 1890, in French, see Clunet (1890) 765. For comment on the notes of August 2, 1890, see *Ann. de lég. étr.* (1891) 902. For the text of the legislative decree of June 7, 1899, in German, see Keller-Trautmann, 636; Cahn, 386. For the text of the legislative decree of November 12, 1902, in French, see *Ann. de lég. étr.* (1903) 673. For comment, see Lepelletier, id. (1902) 763. For the text of the decree of December 12, 1907, in English, see 101 *Br. and For. St. Papers*, 471. For the text of the decree of May 14, 1908, in English, see 101 *Br. and For. St. Papers*, 472. For comment and text, see *Ann. de lég. étr.* (1908) 816. For the text of the decree of November 26, 1908, in English, see 101 *Br. and For. St. Papers*, 477. For the text of the decree of 1921, in Portuguese, see Decree No. 4247, of January 6, 1921, *Diario official*, January 8, 1921, 484.

CONSTITUTION OF 1891 [1]

[Translation]

Title IV.—Brazilian Citizens

Section I

Article 69. The following are Brazilian citizens:

1. All persons born in Brazil, even if of foreign parentage, provided that the father, while a resident of Brazil, be not in the service of his own nation.

2. Children of a Brazilian father and illegitimate children of a Brazilian mother born in foreign countries, if they establish their residence in the republic.

3. Children of a Brazilian father residing in a foreign country in the service of the republic, even if they should not become domiciled in the republic.

4. Foreigners who, being in Brazil on the fifteenth of November, eighteen hundred and eighty-nine, did not declare, within six months from the time the Constitution began to be in force, their desire to preserve their original nationality.

5. Foreigners, residents of Brazil, who hold real estate in Brazil and who are married to Brazilian women or have Brazilian children, unless they have declared their intention to retain their original nationality.

6. Foreigners naturalized in any other way.

Article 70. Citizens of more than twenty-one years of age and registered according to law, shall have the right to vote.

Paragraph 1. The following shall not have the right to vote in federal or state elections:

(1) Beggars;
(2) Illiterates;
(3) Soldiers on pay, except cadets of high military schools;

[1] Text from *Law and Treaty Series*, No. 5 (1927), Pan American Union. The amendment of the Constitution on September 7, 1926, did not modify the articles dealing with nationality.

(4) Members of monastic orders, companies, congregations or communities of whatsoever denomination, subject to vows of obedience, or rules or statutes implying the surrender of individual liberty.

Paragraph 2. Citizens not eligible for registration shall not be eligible for office.

Article 71. The right to Brazilian citizenship can be suspended or lost solely in the following cases:

Paragraph 1. It may be suspended:

(a) By reason of physical or moral disability; or
(b) By judicial condemnation during the period in which the latter is operative.

Paragraph 2. It shall be lost:

(a) Through naturalization in a foreign country;
(b) Through the acceptance of employment or allowance from a foreign government without permission of the federal Executive.

Paragraph 3. The conditions for the reacquisition of the right to Brazilian citizenship shall be determined by federal law.

LEGISLATIVE DECREE NO. 569, OF JUNE 7, 1899 [1]

[TRANSLATION]

Article 1. The rights of citizenship shall be forfeited by—

Paragraph 1. Naturalization in another country;

Paragraph 2. Acceptance of any employment or pension from a foreign government without permission from the federal Executive Power.

Article 2. The Executive Power is competent to pass on all cases covered by the present law in order to render a decision by decree.

Article 3. Brazilian citizenship rights are reacquired by the denationalized person who obtains his reinstatement by a decree also of the Executive Power once he is domiciled in Brazil.

Paragraph 1. For that purpose the applicant shall address a petition supported by documents to the President of the republic through the Minister of the Interior or the Governor or President of the state where he may reside, with his signature duly recognized. The federal Attorney General[2] may be heard on such a petition.

Paragraph 2. Citizens who in this manner resume Brazilian nationality shall enjoy from that time forward all the rights which belong exclusively to Brazilian citizens.

[1] Text from enclosure with Despatch No. 2284, November 25, 1924, from American Ambassador to Brazil to the Secretary of State.

[2] It is the Counsellor General of the Republic and not the Attorney General. (See Legislative Decree No. 967, of January 2, 1903, Article 2, paragraph 1.)

Article 4. The status of minors whose father has been reinstated to Brazilian citizenship shall be the same as that of their father provided the law of the country to which they belong permits the collective effect of denationalization.

Article 5. All political rights are lost by—

Paragraph 1. Brazilians who shall allege religious reasons for exempting themselves from any obligations which the laws of the republic may impose upon its citizens. (Constitution, Article 72, paragraph 29).

Paragraph 2. Brazilians accepting foreign decorations or titles of nobility.

Article 6. The Executive Power is likewise competent to impose this penalty through a decree issued by the Minister of the Interior.

Article 7. Political rights shall be reacquired by—

Paragraph 1. The denationalized citizen who, by means of a declaration signed by two witnesses, before the Minister of the Interior, Governor or President of the state where he may reside, affirms that he is willing to assume the obligations imposed by the laws of the republic upon its citizens, from which obligations he had freed himself.

Paragraph 2. The denationalized citizen who by identical procedure affirms that he has given up the decorations or title he had accepted, which fact shall be communicated to the respective foreign government through the usual diplomatic channels.

Paragraph 3. In either of the two cases above the Executive Power, to which a copy of the proceeding shall be forwarded, shall issue decrees confirming the statements referred to.

Article 8. All provisions to the contrary are hereby revoked.

LEGISLATIVE DECREE NO. 904, OF NOVEMBER 12, 1902 [1]

RELATING TO CITIZENSHIP, NATURALIZATION, CERTIFICATES OF BRAZILIAN CITIZENSHIP, EXPATRIATION AND RESUMPTION OF NATIONALITY

[TRANSLATION]

Article 1. Brazilian citizens are considered to be (Constitution, Article 69, paragraphs 1 to 6):

Paragraph 1. All persons born in Brazil, even though of a foreign father, provided he is not residing therein in the service of his country.

Paragraph 2. The children born abroad to a Brazilian father and the illegitimate children born abroad to a Brazilian mother, if they establish domicile in the republic.

Paragraph 3. The children born to a Brazilian father while abroad in the service of the republic even if they should not become domiciled in the republic.

[1] Text from enclosure with Despatch No. 2284, November 25, 1924, from American Ambassador to Brazil to the Secretary of State.

Paragraph 4. Foreigners who being in Brazil on November 15, 1889, did not declare before August 24, 1891, their intention to preserve their original nationality in accordance with the procedure established by decrees Nos. 58-A of December 14, 1889 and 396 of May 15, 1890.

Paragraph 5. Foreigners holding real property and married to Brazilian women or having Brazilian children provided they reside in Brazil, except in case they manifest a desire not to change their nationality.

Paragraph 6. Foreigners requesting naturalization in accordance with the present law.

Article 2. Citizens by naturalization shall enjoy all civil and political rights and shall be eligible to public offices or functions,

Sole paragraph. Excepting the offices of—

I. President and Vice-President of the Republic;
II. Senator or Deputy of the National Congress, unless they have held Brazilian citizenship for over six years for the former and over four years for the latter.

Article 3. Naturalization does not release naturalized citizens from obligations assumed by them in their country of origin prior to their denationalization.

Article 4. It is the exclusive competency of the President of the republic to grant a certificate of naturalization to aliens who may apply for one either directly themselves or through an attorney with special powers therefor.

Article 5. The applicant in his petition to the federal government shall make the necessary declarations as to his affiliation, place of birth, state, profession, specification of his progeny, if any, from lawful wedlock, and domicile, and must further prove with documents:

I. His identity;
II. Legal age;
III. Residence in Brazil for at least two years;
IV. Good moral and civil conduct, supported by an official document.

Article 6. The requisite of residence shall be dispensed with—

I. To a foreigner married to a Brazilian;
II. To a holder of real property in Brazil;
III. To a person who by reason of his professional capability in any branch of industry useful to the country is connected with an industrial establishment;
IV. To a person recommended by his talent and learning, or by his professional capability in any branch of industry;
V. To the child born abroad to a naturalized citizen before his naturalization.

Article 7. Certificates issued from public offices' records, as well as those issued by any judicial, municipal or police authorities whether of the Union or of the states shall constitute sufficient proof for legal purposes.

Article 8. The certificate of naturalization, signed by the President of the republic and countersigned by the Minister of the Interior, shall be registered in the respective office after the naturalized citizen, either himself or through his attorney, signs a receipt for the aforesaid certificate, which certificate shall be considered void and of no effect if not applied for within the period of six months.

Article 9. Naturalization proceedings for aliens resident in the states shall be held—

Paragraph 1. Before the competent state office, which shall transmit them to the Ministry of the Interior for the purposes of issuing and recording the certificate, which certificate shall then be forwarded to the aforesaid government for delivery to the naturalized citizen.

Paragraph 2. Before the president or chief of the municipal government, who shall transmit them to the President or Governor of the state for the purposes of the preceding paragraph.

Article 10. There shall also be kept in the competent state government office an appropriate register for the registration of certificates of naturalization.

Article 11. The period for the delivery of the certificate in the states shall be one year from the date of its receipt by the government office, at the expiration of which if the aforesaid document remains still unclaimed it shall be returned to the Minister of the Interior for the purposes of Article 8 (last part).

Article 12. Independent of any formalities, certificate of Brazilian citizenship shall be issued to all those who themselves may make application therefor, providing they comply with the conditions of Article I, paragraphs 2, 3, 4 and 5 of the present law.

Paragraph 1. The Minister of the Interior shall be competent to sign the aforesaid certificate, the provisions for issue and registration contained in Articles 7 and 8 being applicable thereto.

Paragraph 2. For aliens tacitly naturalized by virtue of Article 69, paragraph 4 of the Constitution, the following documents issued up to this date are equivalent to a Brazilian citizenship certificate:

I. The certificate of federal elector;
II. Decrees and public notices of appointment to federal or state offices.

Article 13. Naturalization of aliens who either in or out of the country have been convicted or condemned for the crime of homicide, burglary, theft, bankruptcy, falsification, smuggling, swindling, counterfeiting of money and panderage is not permitted.

Article 14. All papers relating to the naturalization of foreigners or proof of being a Brazilian citizen shall be exempt from any charges, stamps and fees.

Article 15. The regulations to be issued by the government for the execution of this law shall provide, in addition to a formulary for the naturalization proceeding, the necessary measures for the compilation within a short time of statistics of all aliens resident in national territory and tacitly naturalized by virtue of the Constitution and previous laws.

Article 16. All provisions to the contrary are hereby revoked.

LEGISLATIVE DECREE NO. 1805, OF DECEMBER 12, 1907[1]

[TRANSLATION]

Article 1. For the execution of paragraph 4 of Article 1 of Law No. 904, of November 12, 1902, the government shall take steps to have the declaration books for which provision was made by decrees Nos. 58-A, of December 14, 1889, and 396, of May 15, 1890, delivered to the Ministry of Justice and the Interior.

Sole paragraph—For the same purpose, it shall also request diplomatic and consular agents of foreign nations to furnish the names of aliens who before them and up to August 24, 1891, declared their intention to preserve their original nationality.

Article 2. To issue a Brazilian citizenship certificate to an alien naturalized by virtue of the aforesaid paragraph 4, it is indispensable that he shall produce, by the usual means accepted in law, proof of continued domicile in the place where he was on November 15, 1889, or of the successive domiciles he may have had since that date until August 24, 1891.

Article 3. For the execution of Article 13 of the law above mentioned, it shall be sufficient for the petitioner to inclose a certificate from the authorities of the place of his domicile and a document issued by the diplomatic or consular agent of his nation and of the country whence he emigrated, declaring that the petitioner has not been tried for any of the crimes therein specified.[2]

Article 4. The issue of citizenship certificate is hereby dispensed with in the case of those who are Brazilian citizens by virtue of the provisions contained in paragraphs 2 and 3 of the Article 69 of the Constitution, thus revoking the exigencies of Article 12 of Law 904 of November 12, 1902.

Article 5. The provision contained in paragraphs 2 of Article 12 of the same law above mentioned is applicable also to aliens tacitly naturalized by virtue of paragraph 5 of Article 69 of the Constitution, the documents therein specified and issued up to the date of the present law to serve as a certificate of Brazilian citizenship.

[1] Text from enclosure with Despatch No. 2284, November 25, 1924, from American Ambassador to Brazil to the Secretary of State.

[2] The presentation of the document signed by diplomatic or consular agent has been dispensed with. (See Legislative Decree No. 2004, of November 26, 1908, Article 1, post, p. 58.)

Article 6. The respective Bureau of Statistics is competent to compile the statistics referred to in its Article 15.

Article 7. All provisions to the contrary are hereby revoked.

PRESIDENTIAL DECREE NO. 6948, OF MAY 14, 1908[1]

[TRANSLATION]

The President of the United States of Brazil decides that for the execution of Legislative Decrees Nos. 904, of November 12, 1902, and 1805, of December 12, 1907, the regulations herewith appended, signed by the Ministers of Justice and the Interior, and Industry Transportation and Public Works, governing the naturalization of aliens and other matters, be observed.

REGULATIONS PERTAINING TO DECREE NO. 6948, OF MAY 14, 1908[1]

[TRANSLATION]

Article 1. Brazilian citizens are considered to be (Constitution Article 69, paragraphs 1 to 6):

Paragraph 1. All persons born in Brazil, even though of a foreign father, provided he is not residing therein in the service of his country.

Paragraph 2. The children born abroad to a Brazilian father and the illegitimate children born abroad to a Brazilian mother, if they establish domicile in the republic.

Paragraph 3. The children born to a Brazilian father while abroad in the service of the republic, even if they should not come here to take up domicile.

Paragraph 4. Foreigners who being in Brazil on November 15, 1889, did not declare before August 24, 1891, their intention to preserve their original nationality.

Paragraph 5. Foreigners holding real property and married to Brazilian women or having Brazilian children, provided they reside in Brazil, except in case they manifest a desire not to change their nationality.

Paragraph 6. Foreigners requesting naturalization in accordance with the present law.

Article 2. Citizens by naturalization shall enjoy all civil and political rights and shall be eligible to public offices and functions.

Sole paragraph. Excepting the offices of—

I. President and Vice President of the republic;

II. Senator or Deputy of the National Congress, unless they have held Brazilian citizenship for over six years for the former and over four years for the latter.

[1] Text from enclosure with Despatch No. 2284, November 25, 1924, from American Ambassador to Brazil to the Secretary of State.

Article 3. Naturalization does not release naturalized citizens from obligations assumed by them in their country of origin prior to their denationalization.

Article 4. An alien intending to become a Brazilian citizen should either himself or through an attorney address, through the Minister of Justice and the Interior, a petition to the President of the republic, with his signature attested to by a notary public, declaring therein his nationality, affiliation, domicile, state and specification of his progeny, if any, from legitimate wedlock.[1]

Sole paragraph. This petition shall be accompanied by documents proving:

I. Identity;
II. Legal age;
III. Residence in Brazil for at least two years;
IV. Good moral and civil behavior;
V. Having been neither tried, nor convicted, nor condemned, either in or out of the country, for the crimes specified in Article 9.[2]

Article 5. The requisite of residence shall be dispensed with—

I. To a foreigner married to a Brazilian;
II. To a holder of real property in Brazil;
III. To a person connected with an industrial establishment, or to an inventor or whoever introduces an industry useful to the country;
IV. To a person recommended by his talent and learning or by his professional capability in any branch of industry.
V. To the child born abroad to a naturalized father previous to his naturalization.

Article 6. To satisfy the requisites of the sole paragraph of Article 4, certified copies from public offices' records as well as certificates issued by any judicial, municipal or police authority, whether of the Union or of the states, shall constitute sufficient proof.

Paragraph 1. To prove identity, the signature of the applicant recognized by a notary public shall be sufficient. In case the application is signed by an attorney, the requirement of evidence of identity shall be satisfied by the power of attorney.

Paragraph 2. Proof of legal age may be given by certificate of baptism, certificate of birth, passport and by any and all means allowed in law.

Paragraph 3. Proof of having been neither tried, nor convicted, nor condemned for the crimes specified in Article 9 shall be given by a certificate from the authority of the domicile of the applicant and by a document issued by the diplomatic or consular agents of the nation of the said applicant and of the country whence he emigrated.[3]

[1] The petition must be addressed to the Minister of Justice and the Interior. (See Legislative Decree No. 2004, of November 26, 1908, Article 3, post, p. 58.) [2] See id., Article 1.
[3] The presentation of document signed by diplomatic or consular agent has been dispensed with. (See *ibid.*)

Article 7. In the states the petition addressed to the President of the republic, referred to in Article 4, shall be presented to the chief of the municipal authorities where the applicant resides or to the competent office of the state government.

Paragraph 1. After all the documents have been examined and have been found to be in accordance with the present regulations, and with civil legislation as regards the proofs, the proceedings shall be submitted through the president or governor of the state to the Ministry of Justice and the Interior so that the government may decide on the concession and registration of the naturalization certificate.

Paragraph 2. Once these formalities have been fulfilled, the certificate shall be forwarded to the state government in order that it may be delivered against receipt to the naturalized citizen or to his lawful attorney.

Article 8. Papers relating to naturalization of aliens or to proof of being a Brazilian citizen are exempt from any charges, stamps or fees.

Article 9. Naturalization of aliens who either in or out of the country may have been tried, convicted or comdemned for the crime of homicide, burglary, theft, bankruptcy, falsification, smuggling, swindling, counterfeiting of money and panderage, is not permitted.

Article 10. The certificate of naturalization shall be signed by the President of the republic and countersigned by the Minister of Justice and Interior.[1]

Article 11. The following documents issued before December 12, 1907, are equivalent to a certificate of Brazilian citizenship for aliens tacitly naturalized in the cases specified in paragraphs 4 and 5 of Article 1:

(a) A certificate of federal elector,
(b) Decrees and public notices of appointment to federal and state public offices.

Article 12. Certificate of Brazilian citizenship shall be issued to an alien who in the case of paragraph 4 of Article 1 has neither registered as a federal elector nor has been appointed to federal and state public offices up to December 12, 1907. It is indispensable, however, that he proves first continued domicile in the place where he was on November 15, 1889, or successive domiciles thereafter until August 24, 1891.

Sole paragraph. This exigency shall be satisfied with a certificate issued by judicial, municipal or police authorities or by other means admitted in law.

Article 13. Certificate of Brazilian citizenship shall be issued to an alien who in the case of paragraph 5 of Article 1, having been neither registered as a federal elector nor appointed to federal or state public offices before December 12, 1907, proves in the usual manner to be within the conditions prescribed in that paragraph.

[1] Naturalization certificates are now signed by the Minister of Justice and Interior. (See Legislative Decree No. 2004, of November 26, 1908, Article 3, post, p. 58.)

Article 14. The Minister of Justice and the Interior is competent to sign certificates of Brazilian citizenship to aliens included in Article 12 or 13, and the petition should be addressed to him after observing the provisions of Article 7 and its paragraphs when the interested person resides out of the federal capital.

Article 15. The issue of a citizenship certificate is hereby dispensed with in the case of those who are Brazilian citizens by virtue of Article 69, paragraphs 2 and 3 of the Constitution and referred to under paragraphs 2 and 3 of Article 1 of the present regulations.

Article 16. Naturalization certificates shall be without effect if not applied for within the period of six months from their date of issue when the naturalized citizen resides in the federal capital.

Article 17. In the states the period for delivery of the aforesaid certificate shall be one year from the date of its receipt by the state government.

Sole paragraph. At the expiration of that period the unclaimed certificates shall be returned to the Ministry of Justice and Interior for the purposes of the preceding article.

Article 18. There shall be kept in the office of the Minister of Justice and Interior three special registers; one for the registration of certificates of naturalization, another for the registration of certificates of Brazilian citizenship, and a third for the receipt to be exacted from the interested person or his lawful attorney on the occasion of the delivery of the certificate.

Sole paragraph. There shall be an entry made in the registers of the certificates sent to the state governments and of those which under Articles 16 and 17 are declared void.

Article 19. In the competent offices of the state government there shall also be registers for the registration of the certificates and their respective receipt.

Article 20. For the execution of paragraph 4 of Article 1 the declaration registers established by decrees Nos. 58-A of December 14, 1889, and 396 of May 15, 1890, shall be delivered to the office of the Minister of Justice and Interior.

Sole paragraph. For the same purpose, the government shall request foreign diplomatic and consular agents to furnish the names of those who may have declared before August 24, 1891, their intention to preserve their original nationality.

Article 21. The period for delivery of the registers referred to in the preceding article are, from the date of the publication of these regulations:

For the federal capital and the States of São Paulo, Minas Gerães and Rio de Janeiro, four months.

For the States of Bahia, Espirito Santo, Parana, Santa Catharina and Rio Grande do Sul, six months; for the States of Amazonas, Boyaz and Matto Grosso, one year, and for the remaining states, nine months.

Article 22. Statistics shall be compiled of all aliens resident in national territory and tacitly naturalized by virtue of the Constitution.

Sole paragraph. The above compilation shall be effected by the Bureau of Statistics.

LEGISLATIVE DECREE NO. 2004, OF NOVEMBER 26, 1908[1]

[TRANSLATION]

Article 1. The production of documents signed by foreign diplomatic or consular agents in naturalization proceedings exacted by Article 3 of Decree No. 1805, of December 12, 1907, Article 4, sole paragraph, V, and Article 6, paragraph 3, of Decree No. 6948, of May 14, 1908, is hereby dispensed with.

Article 2. A hearing or report of the chief of police or of any authority of the same category of the federal district or of the state where the applicant is domiciled is necessary in the case of all petitions.

Article 3. Certificates of naturalization shall be signed by the Minister of Justice and the Interior.

Article 4. All provisions to the contrary are hereby revoked.

[1] Text from enclosure with Despatch No. 2284, November 25, 1924, from American Ambassador to Brazil to the Secretary of State.

BRITISH EMPIRE

GREAT BRITAIN and NORTHERN IRELAND

EDITORS' NOTE. The Act of 25 Edw. III, St. 2 (1350–1352) enabled children of English nationals to inherit though born abroad. The Act of 7 Anne, c. 5 (1700) made children born abroad of natural-born subjects also natural-born subjects. Legislation on naturalization is to be found in the statute of 13 Geo. II, c. 7 (1739). These provisions were extended by the statute of 20 Geo. II, c. 44 (1746), and amplified by the British Nationality Act, 13 Geo. III, c. 4 (1773), which extended the operation of the British Nationality Act, 1730.[1]

The Act of 1844 [2] provided for the naturalization of aliens. Prior to this act, nationality could be obtained only by special acts of Parliament or by letters of denization.[3] This act dealt for the first time with the effect of marriage on nationality. Section 16 provided that an alien woman who married a British subject acquired his nationality. There was no provision, however, as to the effect of the marriage of a British woman to an alien.

The Naturalization Act of 1870 [4] allowed a British subject for the first time to expatriate himself. Up until that time the maxim *nemo potest exuere patriam* formed part of the common law.[5] Section 10 of this act provided that "A married woman shall be deemed to be a subject of the state of which her husband is for the time being a subject." This statute had consolidated the law up until that time and repealed most of the statutes referred to. It was amended by the Nationality Act of 1895,[6] as respects children of certain British public servants resident abroad.

The British Nationality and Status of Aliens Act of 1914 repealed all the above acts except those which had been repealed by the Naturalization Act of 1870.[7] By section 16 of the Act of 1870 the legislature of any British possession could enact naturalization statutes but such naturalization was only of a local character. Section 9 of the Act of 1914 [8] provides that the British possessions can grant certificates of naturalization with the same effect as those granted in England. This act is not applicable in any of the self-governing dominions until it has been adopted by the legislature thereof. The dominions may still grant local naturalization under the old laws.

The common law in regard to nationality is now in force to the extent that it is not modified by statute.[9]

Naturalization regulations were promulgated by an order in Council No. 1861, December 30, 1914, and modified by orders in Council of October 23, 1918, October 18, 1919, September 29, 1920, and April 12, 1922.

As to the history of nationality laws in the British possessions, see footnotes under the respective countries.[10]

[1] 4 Geo. II, c. 21. [2] 7 and 8 Vict. c. 66.
[3] Report of the Interdepartmental Committee of July 24, 1901, extract of which is printed in Cit. Bd. Report (1906). [4] 33 Vict. c. 14. [5] *Fitch* v. *Weber* (1847) 6 Hare 51.
[6] 58 and 59 Vict. c. 43. [7] 33 Vict. c. 14. [8] Post.
[9] "The act of 1914 can be understood only if it is clearly realized that the existing law as to British nationality remains the common law except where that law is expressly varied by statute." Dicey, *Conflict of Laws*, 4th ed. 851. On the provisions of the common law, see Calvin's Case (1608) 7 Coke 1, and Cockburn on Nationality.
[10] As to the status of native inhabitants of mandated territories, see Resolution of the Council of the League of Nations, April 23, 1923; *League of Nations Official Journal* (1923) 604; Hudson, *Cases on International Law* (1929) 292.

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For the text of the act of May 7, 1731, in English, see 67 *Br. and For. St. Papers*, 172. For the text of the Act of May 12, 1870, in English, see 60 id. 267. For comment, see *Ann. de lég. étr.* (1872) 6; E. Bertrand, *Bull. de la soc. de lég. comp.* (1872) 72, 86; J. Westlake, "Naturalization Act, 1870," *Rev. de dr. int. et de lég. comp.* (1871) 601. For the text of the Act of August 10, 1870, in English, see 60 *Br. and For. St. Papers*, 291. For the text of the British Order in Council of August 17, 1870, in English, see 61 *Br. and For. St. Papers*, 1134. For the text of the Naturalization Act of July 25, 1872, in English, see 62 *Br. and For. St. Papers*, 1208. For comment, see *Ann. de lég. étr.* (1873) 3. For the text of the regulation of November 30, 1894, in English, see 86 *Br. and For. St. Papers*, 171. For comment on the Naturalization Act, 1895, see *Jour. of Soc. of Comp. Leg.* (1897) I, 4. For the text of the regulations of February 19, 1913, in English, see 106 *Br. and For. St. Papers*, 657. For the text of the regulation of October 9, 1913, in English, see 106 *Br. and For. St. Papers*, 683. For the text of the Order in Council of October 14, 1913, in English, see 106 *Br. and For. St. Papers*, 574. For the text of the British Nationality and Status of Aliens Act of August 7, 1914, in English, see *Am. Jour. Int. Law Supp.* (1915) 413; 108 *Br. and For. St. Papers*, 8; in French, see *Ann. de lég. étr.* (1913–14) 18; Clunet (1917) 753; *Rev. de dr. int. pr.* (1914) 713; *Ann. de lég. étr.* (1922) 19; *Rev. de dr. int. pr.* (1922–23) 507. For comment, see *Ann. de lég. étr.* (1913–14) 14; Clunet (1915) 279; R. W. Flournoy, Jr., "The New British Imperial Law of Nationality," *Am. Jour. Int. Law* (1915) 870; *Rev. de dr. int. pr.* (1914) 707; id. (1918) 315. For the text of the regulations of December 30, 1914, in English, see 108 *Br. and For. St. Papers*, 191. For the text of the regulations of August 23, 1917, in English, see 111 id. 91. For the text of the law of August 8, 1918, in English, see 117 id. 178; in French, see *Ann. de lég. étr.* (1918) 37. For comment, see id. 35. For the text of the Act of 1922, in French, see id. (1922) 19; *Rev. de dr. int. pr.* (1922–23) 507.

NATIONALITY AND STATUS OF ALIENS ACT, 1914[1]

AS AMENDED BY THE BRITISH NATIONALITY AND STATUS OF ALIENS ACTS, 1918 AND 1922[2]

PART I.—NATURAL-BORN BRITISH SUBJECTS

Section
1. Definition of natural-born British subject.

PART II.—NATURALIZATION OF ALIENS

2. Certificate of naturalization.
3. Effect of certificate of naturalization.
4. Special certificate in case of doubt.
5. Persons under disability.
6. Persons previously naturalized.
7. Revocation of certificate of naturalization.
7a. Effect of revocation of certificate of naturalization.
8. Power of Governments of British possessions to grant certificates of Imperial naturalization.
9. Application of Part II to Self-Governing Dominions.

PART III.—GENERAL

NATIONAL STATUS OF MARRIED WOMEN AND INFANT CHILDREN

10. National status of married women.
11. Status of widows.
12. Status of children.

LOSS OF BRITISH NATIONALITY

13. Loss of British nationality by foreign naturalization.
14. Declaration of alienage.
15. Power of naturalized subjects to divest themselves of their status in certain cases.
16. Saving of obligations incurred before loss of nationality.
17. Capacity of alien as to property.
18. Trial of alien.

PROCEDURE AND EVIDENCE

19. Regulations by Secretary of State.
20. Evidence of declarations.
21. Evidence of certificates of naturalization.
22. Evidence of entries in registers.
23. Penalty for false representation or statement.
24. Form of oath of allegiance.

SUPPLEMENTAL

25. Saving for letters of denization.
26. Saving for powers of Legislatures and Governments of British possessions.

[1] 4–5 George V, c. 17. [2] Text from official copy of the Act.

27. Definitions.
28. Repeal, short title and commencement.
Schedules.

PART I.—NATURAL-BORN BRITISH SUBJECTS

1.—(1) The following persons shall be deemed to be natural-born British subjects, namely:

(a) Any person born within His Majesty's dominions and allegiance; and

(b) Any person born out of His Majesty's dominions whose father was, at the time of that person's birth, a British subject, and who fulfils any of the following conditions, that is to say, if either—

(i) his father was born within His Majesty's allegiance; or

(ii) his father was a person to whom a certificate of naturalization had been granted; or

(iii) his father had become a British subject by reason of any annexation of territory; or

(iv) his father was at the time of that person's birth in the service of the Crown; or

(v) his birth was registered at a British consulate within one year or in special circumstances, with the consent of the Secretary of State, two years after its occurrence, or, in the case of a person born on or after the first day of January, nineteen hundred and fifteen, who would have been a British subject if born before that date, within twelve months after the first day of August, nineteen hundred and twenty-two; and

(c) Any person born on board a British ship whether in foreign territorial waters or not:

Provided that the child of a British subject, whether that child was born before or after the passing of this Act, shall be deemed to have been born within His Majesty's allegiance if born in a place where by treaty, capitulation, grant, usage, sufferance, or other lawful means, His Majesty exercises jurisdiction over British subjects:

Provided also that any person whose British nationality is conditional upon registration at a British consulate shall cease to be a British subject unless within one year after he attains the age of twenty-one, or within such extended period as may be authorized in special cases by regulations made under this Act—

(i) he asserts his British nationality by a declaration of retention of British nationality, registered in such manner as may be proscribed by regulation made under this act; and

(ii) if he is a subject or citizen of a foreign country under the law of which he can, at the time of asserting his British nationality, divest himself of the nationality of that foreign country by making a declaration of alienage or otherwise, he divests himself of such nationality accordingly.

(2) A person born on board a foreign ship shall not be deemed to be a British subject by reason only that the ship was in British territorial waters at the time of his birth.

(3) Nothing in this section shall, except as otherwise expressly provided, affect the status of any person born before the commencement of this Act.

(4) The certificate of a Secretary of State that a person was at any date in the service of the Crown shall, for the purposes of this section, be conclusive.

Part II.—Naturalization of Aliens

2.—(1) The Secretary of State may grant a certificate of naturalization to an alien who makes an application for the purpose, and satisfies the Secretary of State—

(a) that he has either resided in His Majesty's dominions for a period of not less than five years in the manner required by this section, or been in the service of the Crown for not less than five years within the last eight years before the application; and

(b) that he is of good character and has an adequate knowledge of the English language; and

(c) that he intends if his application is granted either to reside in His Majesty's dominions or to enter or continue in the service of the Crown.

(2) The residence required by this section is residence in the United Kingdom for not less than one year immediately preceding the application, and previous residence, either in the United Kingdom or in some other part of His Majesty's dominions, for a period of four years within the last eight years before the application.

(3) The grant of a certificate of naturalization to any such alien shall be in the absolute discretion of the Secretary of State, and he may, with or without assigning any reason, give or withhold the certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.

(4) A certificate of naturalization shall not take effect until the applicant has taken the oath of allegiance.

(5) In the case of a woman who was a British subject previously to her marriage to an alien, and whose husband has died or whose marriage has been dissolved, the requirements of this section as to residence shall not apply and the Secretary of State may in any other special case, if he thinks fit, grant a certificate of naturalization, although the four years' residence or five years' service has not been within the last eight years before the application.

(6) For the purposes of this section a period spent in the service of the Crown may, if the Secretary of State thinks fit, be treated as equivalent to a period of residence in the United Kingdom.

3.—(1) A person to whom a certificate of naturalization is granted by a

Secretary of State shall, subject to the provisions of this Act, be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, duties, and liabilities, to which a natural-born British subject is entitled or subject, and, as from the date of his naturalization, have to all intents and purposes the status of a natural-born British subject.

(2) Section 3 of the Act of Settlement (which disqualifies naturalized aliens from holding certain offices) shall have effect as if the words "naturalized or" were omitted therefrom.

4. The Secretary of State may, in his absolute discretion, in such cases as he thinks fit, grant a special certificate of naturalization to any person with respect to whose nationality as a British subject a doubt exists, and he may specify in the certificate that the grant thereof is made for the purpose of quieting doubts as to the right of the person to be a British subject, and the grant of such a special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject.

5.—(1) Where an alien obtains a certificate of naturalization, the Secretary of State may, if he thinks fit, on the application of that alien, include in the certificate the name of any child of the alien born before the date of the certificate and being a minor, and that child shall thereupon, if not already a British subject, become a British subject; but any such child may, within one year after attaining his majority, make a declaration of alienage, and shall thereupon cease to be a British subject.

(2) The Secretary of State may, in his absolute discretion in any special case in which he thinks fit, grant a certificate of naturalization to any minor, whether or not the conditions required by this Act have been complied with.

(3) Except as provided by this Act, a certificate of naturalization shall not be granted to any person under disability.

6. An alien who has been naturalized before the passing of this Act may apply to the Secretary of State for a certificate of naturalization under this Act, and the Secretary of State may grant to him a certificate on such terms and conditions as he may think fit.

7.—(1) Where the Secretary of State is satisfied that a certificate of naturalization granted by him has been obtained by false representation or fraud, or by concealment of material circumstances, or that the person to whom the certificate is granted has shown himself by act or speech to be disaffected or disloyal to His Majesty, the Secretary of State shall by order revoke the certificate.

(2) Without prejudice to the foregoing provisions, the Secretary of State shall by order revoke a certificate of naturalization granted by him in any case in which he is satisfied that the person to whom the certificate was granted either—

(a) has during any war in which His Majesty is engaged unlawfully traded or communicated with the enemy or with the subject of an enemy state, or been engaged in or associated with any business which is to his knowledge carried on in such manner as to assist the enemy in such war; or

(b) has within five years of the date of the grant of the certificate been sentenced by any court in His Majesty's dominions to imprisonment for a term of not less than twelve months, or to a term of penal servitude, or to a fine of not less than one hundred pounds; or

(c) was not of good character at the date of the grant of the certificate; or

(d) has since the date of the grant of the certificate been for a period of not less than seven years ordinarily resident out of His Majesty's dominions otherwise than as a representative of a British subject, firm, or company carrying on business, or an institution established, in His Majesty's dominions, or in the service of the Crown, and has not maintained substantial connection with His Majesty's dominions; or

(e) remains according to the law of a state at war with His Majesty a subject of that state;

and that (in any case) the continuance of the certificate is not conducive to the public good.

(3) The Secretary of State may, if he thinks fit, before making an order under this section refer the case for such inquiry as is hereinafter specified, and in any case to which subsection (1) or paragraph (a), (c), or (e) of subsection (2) of this section applies, the Secretary of State shall, by notice given to or sent to the last known address of the holder of the certificate, give him an opportunity of claiming that the case be referred for such inquiry, and if the holder so claims in accordance with the notice the Secretary of State shall refer the case for inquiry accordingly.

(4) An inquiry under this section shall be held by a committee constituted for the purpose by the Secretary of State, presided over by a person (appointed by the Secretary of State with the approval of the Lord Chancellor) who holds or has held high judicial office, and shall be conducted in such manner as the Secretary of State may direct:

Provided that any such inquiry may, if the Secretary of State thinks fit, instead of being held as aforesaid be held by the High Court, and the practice and procedure on any inquiry so held shall be regulated by rules of court.

A committee appointed under this section shall have all such powers, rights, and privileges as are vested in the High Court or in any judge thereof on the occasion of any action, in respect of the following matters:

(a) the enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise, and the issue of a commission or a request to examine witnesses abroad; and

(b) the compelling the production of documents; and

(c) the punishing persons guilty of contempt; and a summons signed by one or more members of the committee may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

(5) Where a person to whom a certificate of naturalization has been granted in some other part of His Majesty's dominions is resident in the United Kingdom, the certificate may be revoked in accordance with this section by the Secretary of State, with the concurrence of the Government of that part of His Majesty's dominions in which the certificate was granted.

(6) Where the Secretary of State revokes a certificate of naturalization, the revocation shall have effect from such date as the Secretary of State may direct, and thereupon the certificate shall be given up and cancelled and any person refusing or neglecting to give up his certificate shall be liable on summary conviction to a fine not exceeding one hundred pounds.

7a.—(1) Where a certificate of naturalization is revoked the Secretary of State may by order direct that the wife and minor children (or any of them) of the person whose certificate is revoked shall cease to be British subjects, and any such person shall thereupon become an alien; but except where the Secretary of State directs as aforesaid, the nationality of the wife and minor children of the person whose certificate is revoked shall not be affected by the revocation, and they shall remain British subjects:

Provided that—

(a) it shall be lawful for the wife of any such person within six months after the date of the order of revocation to make a declaration of alienage, and thereupon she and any minor children of her husband and herself shall cease to be British subjects and shall become aliens; and

(b) the Secretary of State shall not make any such order as aforesaid in the case of a wife who was at birth a British subject, unless he is satisfied that if she had held a certificate of naturalization in her own right the certificate could properly have been revoked under this Act, and the provisions of this Act as to referring cases for inquiry shall apply to the making of any such order as they apply to the revocation of a certificate.

(2) The provisions of this section shall, as respects persons affected thereby, have effect in substitution for any other provisions of this Act as to the effect upon the wife and children of any person where the person ceases to be a British subject, and such other provisions shall accordingly not apply in any such case.

(3) Where a certificate of naturalization is revoked the former holder thereof shall be regarded as an alien and as a subject of the state to which he belonged at the time the certificate was granted.

8.—(1) The Government of any British Possession shall have the same power to grant a certificate of naturalization as the Secretary of State has under this Act, and the provisions of this Act as to the grant and revocation of such a certificate shall apply accordingly, with the substitution of the Government of the Possession for the Secretary of State, and the Possession for the United Kingdom and of a High Court or superior court of the Possession for the High Court, and with the omission of any reference to the approval of the Lord Chancellor, and also, in a Possession where any language is recognized as on an equality with the English language, with the substitution of the English language or that language for the English language:

Provided that, in any British Possession other than British India and a Dominion specified in the First Schedule to this Act, the powers of the Government of the Possession under this section shall be exercised by the Governor or a person acting under his authority, but shall be subject in each case to the approval of the Secretary of State, and any certificate proposed to be granted and any proposal to revoke any certificate shall be submitted to him for his approval.

(2) Any certificate of naturalization granted under this section shall have the same effect as a certificate of naturalization granted by the Secretary of State under this Act.

9.—(1) This Part of this Act shall not, nor shall any certificate of naturalization granted thereunder, have effect within any of the Dominions specified in the First Schedule to this Act, unless the Legislature of that Dominion adopts this Part of this Act.

(2) Where the Legislature of any such Dominion has adopted this Part of this Act, the Government of the Dominion shall have the like powers to make regulations with respect to certificates of naturalization and to oaths of allegiance as are conferred by this Act on the Secretary of State.

(3) The Legislature of any such Dominion which adopts this Part of this Act may provide how and by what Department of the Government the powers conferred by this Part of this Act on the Government of a British Possession are to be exercised.

(4) The Legislature of any such Dominion may at any time rescind the adoption of this Part of this Act, provided that no such rescission shall prejudicially affect any legal rights existing at the time of such rescission.

Part III.—General

National Status of Married Women and Infant Children

10. The wife of a British subject shall be deemed to be a British subject, and the wife of an alien shall be deemed to be an alien: Provided that, where a man ceases during the continuance of his marriage to be a British subject, it shall be lawful for his wife to make a declaration that she desires to retain

British nationality, and thereupon she shall be deemed to remain a British subject, and provided that where an alien is a subject of a state at war with His Majesty it shall be lawful for his wife if she was at birth a British subject to make a declaration that she desires to resume British nationality, and thereupon the Secretary of State, if he is satisfied that it is desirable that she be permitted to do so, may grant her a certificate of naturalization.

11. A woman who, having been a British subject, has by, or in consequence of, her marriage become an alien, shall not, by reason only of the death of her husband, or the dissolution of her marriage, cease to be an alien, and a woman who, having been an alien, has by, or in consequence of, her marriage become a British subject, shall not, by reason only of the death of her husband or the dissolution of her marriage, cease to be a British subject.

12.—(1) Where a person being a British subject ceases to be a British subject, whether by declaration of alienage or otherwise, every child of that person, being a minor, shall thereupon cease to be a British subject, unless such child, on that person ceasing to be a British subject, does not become by the law of any other country naturalized in that country:

Provided that, where a widow who is a British subject marries an alien, any child of hers by her former husband shall not, by reason only of her marriage, cease to be a British subject, whether he is residing outside His Majesty's dominions or not.

(2) Any child who has so ceased to be a British subject may, within one year after attaining his majority, make a declaration that he wishes to resume British nationality, and shall thereupon again become a British subject.

Loss of British Nationality

13. A British subject who, when in any foreign state and not under disability, by obtaining a certificate of naturalization or by any other voluntary and formal act, becomes naturalized therein, shall thenceforth be deemed to have ceased to be a British subject.

14.—(1) Any person who by reason of his having been born within His Majesty's dominions and allegiance or on board a British ship is a natural-born British subject, but who at his birth or during his minority became under the law of any foreign state a subject also of that state, and is still such a subject, may, if of full age and not under disability, make a declaration of alienage, and on making the declaration shall cease to be a British subject.

(2) Any person who though born out of His Majesty's dominions is a natural-born British subject may, if of full age and not under disability, make a declaration of alienage, and on making the declaration shall cease to be a British subject.

15. Where His Majesty has entered into a convention with any foreign state to the effect that the subjects or citizens of that state to whom cer-

tificates of naturalization have been granted may divest themselves of their status as such subjects, it shall be lawful for His Majesty, by Order in Council, to declare that the convention has been entered into by His Majesty: and from and after the date of the Order any person having been originally a subject or citizen of the state therein referred to, who has been naturalized as a British subject, may, within the limit of time provided in the convention, make a declaration of alienage, and on his making the declaration he shall be regarded as an alien and as a subject of the state to which he originally belonged as aforesaid.

16. Where any British subject ceases to be a British subject, he shall not thereby be discharged from any obligation, duty or liability in respect of any act done before he ceased to be a British subject.

Status of Aliens

17. [Omitted.]

18. An alien shall be triable in the same manner as if he were a natural-born British subject.

Procedure and Evidence

19.—(1) The Secretary of State may make regulations generally for carrying into effect the objects of this Act, and in particular with respect to the following matters:

(a) The form and registration of certificates of naturalization granted by the Secretary of State:
(b) The form and registration of declaration of alienage and declarations of resumption or retention of British nationality:
(c) The registration by officers in the diplomatic or consular service of His Majesty of the births and deaths of British subjects born or dying out of His Majesty's dominions:
(d) The time within which the oath of allegiance is to be taken after the grant of a certificate of naturalization:
(e) The persons by whom the oath of allegiance may be administered, and the persons before whom declarations of alienage and declarations of resumption of British nationality may be made:
(f) Whether or not oaths of allegiance are to be subscribed as well as taken, and the form in which the taking and subscription are to be attested:
(g) The registration of oaths of allegiance:
(h) The persons by whom certified copies of oaths of allegiance may be given; and the proof in any legal proceeding of any such oaths:
(i) The transmission to the United Kingdom, for the purpose of registration or safe keeping or of being produced as evidence, of any declarations, certificates or oaths, made, granted or taken out of the United Kingdom in pursuance of this Act or of any Act hereby repealed, or of any copies thereof, also of copies of entries contained in any register kept out of the United Kingdom in pursuance of this Act or any Act hereby repealed:

(j) With the consent of the Treasury, the imposition and application of fees in respect of any registration authorised to be made by this Act or any Act hereby repealed, and in respect of the making of any declaration or the grant of any certificate authorised to be made or granted by this Act or any Act hereby repealed, and in respect of the administration or registration of any oath: Provided that in the case of a woman who was a British subject previously to her marriage to an alien, and whose husband has died or whose marriage has been dissolved, the fee for the grant of a certificate shall not exceed five shillings.

(2) Any regulation made by the Secretary of State in pursuance of this Act shall be of the same force as if it had been enacted therein, but shall not, so far as respects the imposition of fees, be in force in any British possession, and shall not, so far as respects any other matter, be in force in any British Possession in which any act or ordinance, or, in the case of a Dominion specified in the First Schedule to this Act, any regulation made by the Government of the Dominion under Part II of this Act, to the contrary of, or inconsistent with, any such regulation may for the time being be in force.

(3) Any regulations made by the Secretary of State under any Act hereby repealed shall continue in force and be deemed to have been made under this Act.

20. Any declaration made under this Act or under any Act hereby repealed may be proved in any legal proceeding by the production of the original declaration or of any copy thereof certified to be a true copy by the Secretary of State, or by any person authorised by him in that behalf, and the production of the declaration or copy shall be evidence of the person therein named as declarant having made the declaration at the date therein mentioned.

21. A certificate of naturalization may be proved in any legal proceeding by the production of the original certificate or of any copy thereof certified to be a true copy by the Secretary of State, or by any person authorised by him in that behalf.

22. Entries in any register made in pursuance of this Act or under any Act hereby repealed may be proved by such copies and certified in such manner as may be directed by the Secretary of State, and the copies of any such entries shall be evidence of any matters, by this Act or by any Act hereby repealed or by any regulation of the Secretary of State, authorised to be inserted in the register.

23. If any person for any of the purposes of this Act knowingly makes any false representation or any statement false in a material particular, he shall, in the United Kingdom, be liable on summary conviction in respect of each offence to imprisonment with or without hard labour for any term not exceeding three months.

24. The oath of allegiance shall be in the form set out in the Second Schedule to this Act.

SUPPLEMENTAL

25. Nothing in this Act shall affect the grant of letters of denization by His Majesty.

26.—(1) Nothing in this Act shall take away or abridge any power vested in, or exercisable by, the Legislature or Government of any British Possession, or affect the operation of any law at present in force which has been passed in exercise of such a power, or prevent any such Legislature or Government from treating differently different classes of British subjects.

(2) All laws, statutes and ordinances made by the Legislature of a British Possession for imparting to any person any of the privileges of naturalization to be enjoyed by him within the limits of that Possession, shall, within those limits, have the authority of law.

(3) Where any parts of His Majesty's Dominions are under both a central and a local legislature, the expression "British Possession" shall, for the purposes of this section, include both all parts under the central legislature and each part under a local legislature: Provided that nothing in this provision shall be construed as validating any law, statute or ordinance with respect to naturalization made by any such local legislature in any case where the central legislature possesses exclusive legislative authority with respect to naturalization.

27.—(1) In this Act, unless the context otherwise requires—

The expression "alien" means a person who is not a British subject:

The expression "certificate of naturalization" means a certificate of naturalization granted under this Act or under any Act repealed by this or any other Act:

The expression "disability" means the status of being a married woman, or a minor, lunatic, or idiot:

The expression "territorial waters" includes any port, harbour, or dock.

The expression "British Consulate" means the office of any British consular officer where a register of births is kept, and includes, in the case of any territory where there is no British Consulate and there is a British resident or other representative of His Majesty, the office of such resident or representative.

(2) Where in pursuance of this Act the name of a child is included in a certificate of naturalization granted to his parent, or where, in pursuance of any Act repealed by this Act, any child has been deemed to be a naturalized British subject by reason of residence with his parent, such child shall, for the purposes of this Act, be deemed to be a person to whom a certificate of naturalization has been granted.

28.—(1) The enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

(2) This Act may be cited as the British Nationality and Status of Aliens Act, 1914.

(3) This Act shall come into operation on the first day of January, nineteen hundred and fifteen.

SCHEDULES

First Schedule

LIST OF DOMINIONS

The Dominion of Canada.
The Commonwealth of Australia (including for the purposes of this Act the territory of Papua and Norfolk Island).
The Dominion of New Zealand.
The Union of South Africa.
Newfoundland.

Second Schedule

OATH OF ALLEGIANCE

"I, A. B., swear by Almighty God that I will be faithful and bear true allegiance to His Majesty, King George the Fifth, his Heirs and Successors, according to law."

Third Schedule

ENACTMENTS REPEALED

Session and Chapter	Title or Short Title	Extent of Repeal
25 Edw. 3	Statute for those who are born in parts beyond the seas	From "and in the right of other children" to the end of the statute
42 Edw. 3	A statute made at Westminster on the first day of May in the forty-second year of King Edward III	The whole chapter
12 and 13 Will. 3 c. 2	The Act of Settlement	In section three the words "naturalized or"
7 Anne. c. 5	The Foreign Protestants (Naturalization) Act, 1708	The whole Act
4 Geo. 2. c. 21	The British Nationality Act, 1730	The whole Act
13 Geo. 3. c. 21	The British Nationality Act, 1772	The whole Act
33 and 34 Vict. c. 14	The Naturalization Act, 1870	The whole Act
33 and 34 Vict. c. 102	The Naturalization Oath, Act, 1870	The whole Act
58 and 59 Vict. c. 43	The Naturalization Act, 1895	The whole Act

DOMINION OF CANADA[1]

IMMIGRATION ACT OF 1910[2]

1. This Act may be cited as the Immigration Act. 1910, c. 27, s. 1.

Interpretation

2. In this Act, and in all orders in council, proclamations and regulations made hereunder, unless the context otherwise requires,

(a) "alien" means a person who is not a British subject;
(b) "Canadian citizen" means
  (i) a person born in Canada who has not become an alien;
  (ii) a British subject who has Canadian domicile; or
  (iii) a person naturalized under the laws of Canada who has not subsequently become an alien or lost Canadian domicile:

Provided that for the purpose of this Act a woman who has not been landed in Canada shall not be held to have acquired Canadian citizenship by virtue of her husband being a Canadian citizen; neither shall a child who has not been landed in Canada be held to have acquired Canadian citizenship through its father or mother being a Canadian citizen;

(c) "deportation" means the removal under authority of this Act of any rejected immigrant or other person, or of any immigrant or other person who has already been landed in Canada, or who has entered or who remains in Canada contrary to any provision of this Act, from any place in Canada at which such immigrant or other person is rejected or detained to the place whence he came to Canada, or to the country of his birth or citizenship;
(d) "Deputy Minister" means the Deputy Minister of Immigration and Colonization;
(e) "domicile" means the place in which a person has his home, or in which he resides, or to which he returns as his place of permanent abode, and does not mean the place where he resides for a mere special or temporary purpose;
  (i) Canadian domicile can only be acquired, for the purposes of this Act, by a person having his domicile for at least five years in Canada after having been landed therein within the meaning of this Act:

[1] The following acts governed nationality and naturalization in Canada previous to the Naturalization Act of 1914 (post):
The Naturalization Act, Canada, 1881 (44 Vict. c. 13) as amended by the Acts of May 15, 1902 (2 Edw. VII, c. 23; Cit. Bd. Report [1906] 399), August 13, 1903 (3 Edw. VII, c. 38; Cit. Bd. Report [1906] 400), August 10, 1904 (4 Edw. VII, c. 25; Cit. Bd. Report [1906] 402), and July 20, 1905 (4–5 Edw. VII, c. 25; Cit. Bd. Report [1906] 402). The naturalization provided for in these acts was of a purely local character.
The Naturalization Act (Revised Statutes of Canada, 1906, c. 77) consolidated the above acts, and was repealed by the legislation of 1914 (4 and 5 Geo. V, c. 44).
[2] As published in Revised Statutes, 1927, c. 93, p. 2065.

Provided that the time spent by a person while confined in or an inmate of any penitentiary, gaol, reformatory, prison or asylum for the insane in Canada shall not be counted in the period of residence in Canada which is necessary in order to acquire Canadian domicile; provided further that when an order is issued for the deportation of any person and an appeal therefrom has not been allowed by the Minister, or a permit to remain in Canada is issued by the Minister in the case of a person who has been previously landed and ordered deported, the time spent in Canada while such order of deportation or permit is in force shall not be counted in the period of residence which is necessary to acquire Canadian domicile; and provided further that no person who belongs to the prohibited or undesirable classes within the meaning of section forty-one of this Act shall be capable of acquiring Canadian domicile;

(ii) Canadian domicile is lost, for the purposes of this Act, by a person voluntarily residing out of Canada not for a mere special or temporary purpose but with the present intention of making his permanent home out of Canada, or by any person belonging to the prohibited or undesirable classes within the meaning of this Act;

(iii) notwithstanding anything contained in the preceding subparagraph, when any citizen of Canada who is a British subject by naturalization, or any British subject not born in Canada having Canadian domicile shall have resided for one year outside of Canada, he shall be presumed to have lost Canadian domicile and shall cease to be a Canadian citizen for the purposes of this Act, and his usual place of residence shall be deemed to be his place of domicile during said year:

Provided that such presumption may be rebutted by production of the certificate of any British diplomatic or consular officer, in such form as may be prescribed by the Minister, that such person appeared before him before the expiration of said period of one year and satisfied such officer of his reasonable intention to retain his Canadian domicile; and in the case of a person who is a naturalized British subject, such certificate shall be endorsed upon the certificate of naturalization of such person; the effect of such certificate shall be to extend said period for a further term of one year, and it may be further extended from year to year in the same manner so long as the officer giving the certificate is satisfied of the bona fides of the application for extension in each case, provided that the total period for which extension may be granted shall not exceed five years;

(f) "family" includes father and mother, and children under eighteen years of age;

(g) "head of family" means the father, mother, son, daughter, brother or sister upon whom the other members of the family are mainly dependent for support. . . .

NATURALIZATION ACT OF 1914[1]

AN ACT RESPECTING BRITISH NATIONALITY, NATURALIZATION AND ALIENS

Short Title

1. This Act may be cited as the Naturalization Act. 1914, c. 44, s. 35.

Interpretation

2. In this Act, unless the context otherwise requires, the expression

(a) "alien" means a person who is not a British subject;

(b) "British Consulate" means the office of any British Consular Officer where a register of births is kept, and includes, in the case of any territory where there is no British Consulate and there is a British resident or other representative of His Majesty, the office of such resident or representative;

(c) *British Nationality and Status of Aliens Act 1914*, where it occurs in this Act, means the *British Nationality and Status of Aliens Act 1914*, as amended by the *British Nationality and Status of Aliens Act 1918;*

(d) "British subject" means a person who is a natural-born British subject, or a person to whom a certificate of naturalization has been granted; or a person who has become a subject of His Majesty by reason of any annexation of territory;

(e) "certificate of naturalization" means a certificate of naturalization granted under this Act or under any Act heretofore in force;

(f) "disability" means the status of being a married woman, or a minor, lunatic, or idiot;

(g) "Minister" means the Secretary of State of Canada;

(h) "Secretary of State" means one of His Majesty's Principal Secretaries of State for the time being;

(i) "territorial waters" includes any port, harbour or dock.

2. For the purposes of this Act the clerk of the peace of any county in Ontario shall be deemed to be the "clerk" of the General Sessions of the Peace of that county, and the prothonotary of the Supreme Court of Nova Scotia for any county shall be deemed to be the "clerk" of that court in relation to matters arising in or dealt with in respect to such county.

3. Where in pursuance of this Act the name of a child is included in a certificate of naturalization granted to his parent, or where in pursuance of any Act heretofore in force any child has been deemed to be a naturalized British subject by reason of residence with his parent, such child shall for the purposes of this Act be deemed to be a person to whom a certificate of naturalization has been granted. 1914, c. 44, ss. 33 and 35; 1920, c. 59, s. 3; 1923, c. 60, s. 5.

[1] As amended and published in 3 Revised Statutes, 1927, c. 138, p. 2831.

PART I.—NATURAL BRITISH-BORN SUBJECTS

3. The following persons shall be deemed to be natural-born British subjects, namely:

(a) Any person born within His Majesty's dominions and allegiance; and

(b) Any person born out of His Majesty's dominions whose father was, at the time of that person's birth a British subject, and who fulfils any of the following conditions, that is to say, if either

(i) his father was born within His Majesty's allegiance, or

(ii) his father was a person to whom a certificate of naturalization had been granted, or

(iii) his father had become a British subject by reason of any annexation of territory, or

(iv) his father was at the time of that person's birth in the service of the Crown, or

(v) his birth was registered at a British consulate within one year or in special circumstances, with the consent of the Minister, two years after its occurrence, or, in the case of a person born on or after the first day of January, one thousand nine hundred and fifteen, who would have been a British subject if born before that date, within twelve months after the first day of August, one thousand nine hundred and twenty-two; and

(c) Any person born on board a British ship whether in foreign territorial waters or not:

Provided that the child of a British subject, whether that child was born before or after the twelfth day of June, one thousand nine hundred and fourteen, shall be deemed to have been born within His Majesty's Allegiance if born in a place where by treaty, capitulation, grant, usage, sufferance, or other lawful means, His Majesty exercises jurisdiction over British subjects.

2. A person born on board a foreign ship shall not be deemed to be a British subject by reason only that the ship was in British territorial waters at the time of his birth.

3. Nothing in this section shall, except as otherwise expressly provided, affect the status of any person born before the first day of January, one thousand nine hundred and fifteen.

4. The certificate of a Secretary of State that a person was at any date in the service of the Crown shall for the purpose of this section be conclusive.

5. Any person whose British Nationality is conditional upon registration at a British consulate shall cease to be a British subject unless within one year after he attains the age of twenty-one, or within such extended period as may be authorized in special cases by regulations made under this Act;

(i) he asserts his British nationality by a declaration of retention of British nationality, registered in such manner as may be prescribed by regulations made under this Act; and

(ii) if he is a subject or citizen of a foreign country under the law of which he can, at the time of asserting his British nationality, divest himself of the nationality of that foreign country by making a declaration of alienage or otherwise, he divests himself of such nationality accordingly. 1914, c. 44, s. 1; 1920, c. 59, s. 3; 1923, c. 60, ss. 2 and 3.

Part II.—Naturalization of Aliens

4. The Minister may grant a certificate of naturalization to an alien who makes an application for the purpose, and satisfies the Minister

(a) that he has either resided in His Majesty's dominions for a period of not less than five years in the manner required by this section, or been in the service of the Crown for not less than five years, within the last eight years before the application; and
(b) that he is of good character and has an adequate knowledge of either the English or French languages, and,
(c) that he intends if his application is granted either to reside in His Majesty's dominions or to enter or continue in the service of the Crown.

2. The residence required by this section is residence in Canada for not less than one year immediately preceding the application, and previous residence, either in Canada or in some other part of His Majesty's dominions, for a period of four years within the last eight years before the application.

3. The grant of a certificate of naturalization to any such alien shall be in the absolute discretion of the Minister, and he may, with or without assigning any reason, give or withhold the certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.

4. A certificate of naturalization shall not take effect until the applicant has taken the oath of allegiance.

5. In the case of a woman who was a British subject previously to her marriage to an alien and whose husband has died, or whose marriage has been dissolved, the requirements of this section as to residence shall not apply, and the Minister may, in any other special case, if he thinks fit, grant a certificate of naturalization, although the four years' residence or five years' service has not been within the last eight years before the application.

6. For the purposes of this section a period spent in the service of the Crown may, if the Minister thinks fit, be treated as equivalent to a period of residence in Canada. 1914, c. 44, s. 2; 1914 (2nd Session), c. 7, s. 1; 1920, c. 59, s. 3.

5. A person to whom a certificate of naturalization is granted by the Minister shall, subject to the provisions of this Act, be entitled to all political and other rights, powers and privileges, be subject to all obligations, duties and liabilities, to which a natural-born British subject is entitled or subject,

and as from the date of his naturalization have to all intents and purposes the status of a natural-born British subject. 1914, c. 44, s. 3.

6. The Minister may in his absolute discretion, in such cases as he thinks fit, grant a special certificate of naturalization to any person with respect to whose nationality as a British subject a doubt exists, and he may specify in the certificate that the grant thereof is made for the purpose of quieting doubts as to the right of the person to be a British subject, and the grant of such a special certificate shall not be deemed to be any omission that the person to whom it was granted was not previously a British subject. 1914, c. 44, s. 4.

7. Where an alien obtains a certificate of naturalization, the Minister may, if he thinks fit, on the application of that alien, include in the certificate the name of any child of the alien born before the date of the certificate and being a minor, and that child shall thereupon, if not already a British subject, become a British subject; but any such child may, within one year after attaining his majority, make a declaration of alienage, and shall thereupon cease to be a British subject.

2. The Minister may, in his absolute discretion in any special case in which he thinks fit, grant a certificate of naturalization to any minor, whether or not the conditions required by this Act have been complied with.

3. Except as provided by this Act, a certificate of naturalization shall not be granted to any person under disability. 1914, c. 44, s. 5; 1920, c. 59, s. 3.

8. An alien who has been naturalized before the passing of this Act may apply to the Minister for a certificate of naturalization under this Act, and the Minister may grant to him a certificate on such terms and conditions as he may think fit. 1914, c. 44, s. 6.

9. Where the Governor in Council, upon the report of the Minister, is satisfied that a certificate of naturalization granted by the Minister under this Act or granted under any Naturalization Act heretofore in force in Canada has been obtained by false representation or fraud, or by concealment of material circumstances, or that the person to whom the certificate was granted has shown himself by act or speech to be disaffected or disloyal to His Majesty, the Governor in Council shall by order revoke the certificate.

2. Without prejudice to the foregoing provisions the Governor in Council shall by order revoke a certificate of naturalization granted by the Minister under this Act, or granted under any Naturalization Act heretofore in force in Canada in any case in which he is, upon the report of the Minister, satisfied that the person to whom the certificate was granted either

(a) has, during any war in which His Majesty is engaged unlawfully traded or communicated with the enemy or with the subject of an enemy state, or been engaged in or associated with any business which is to his knowledge carried on in such manner as to assist the enemy in such war; or

(b) has, within five years of the date of the grant of the certificate, been sentenced by any court in His Majesty's dominions to imprisonment for a term of not less than twelve months, or to a term of penal servitude, or to a fine of not less than five hundred dollars; or

(c) was not of good character at the date of the grant of the certificate; or

(d) has since the date of the grant of the certificate been for a period of not less than seven years ordinarily resident out of His Majesty's dominions otherwise than as a representative of a British subject, firm, or company carrying on business, or an institution established in His Majesty's dominions, or in the service of the Crown, and has not maintained substantial connection with His Majesty's dominions; or

(e) remains, according to the law of a state at war with His Majesty, a subject of that state;

and that, in any case, the continuance of the certificate is not conducive to the public good.

3. The Minister may if he thinks fit before making a report under this section refer the case for such inquiry as is hereinafter specified, and in any case to which subsection one, or paragraphs (a), (c) or (e) of subsection two of this section applies, the Minister shall by notice given to or sent to the last-known address of the holder of the certificate give him an opportunity of claiming that the case be referred for such inquiry, and if the holder so claims in accordance with the notice, the Minister shall refer the case for inquiry accordingly.

4. An inquiry under this section shall be held by a Commission constituted for the purpose by the Governor in Council upon the recommendation of the Minister, presided over by a person appointed by the Governor in Council who holds or has held high judicial office, and shall be conducted in such manner as the Governor in Council shall direct, provided that any such inquiry may, if the Governor in Council thinks fit, instead of being held as aforesaid, be held by the superior court of the province in which the case arises, and the practice and procedure on any inquiry so held shall be regulated by rules of court.

5. The members of any commission appointed under this section shall have all such powers, rights and privileges as are vested in any superior court or in any judge thereof on the occasion of any action, in respect of

(a) the enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise, and the issue of a commission or a request to examine witnesses abroad; and

(b) the compelling the production of documents; and

(c) the punishing persons guilty of contempt;

and a summons signed by one or more members of the commission may be substituted for and shall be equivalent to any formal process capable of being

issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

6. Where a person to whom a certificate of naturalization has been granted in some other part of His Majesty's dominions is resident in Canada, the certificate may be revoked in accordance with this section by the Governor in Council, with the concurrence of the Government of that part of His Majesty's dominions in which the certificate was granted.

7. Where the Governor in Council revokes a certificate of naturalization the revocation shall have effect from such date as the Governor in Council may direct, and thereupon the certificate shall be given up and cancelled, and any person refusing or neglecting to give up his certificate shall be liable on summary conviction to a fine not exceeding five hundred dollars. 1920, c. 59, s. 2.

10. Where a certificate of naturalization is revoked the Governor in Council may upon the recommendation of the Minister by order direct that the wife and minor children, or any of them, of the person whose certificate is revoked shall cease to be British subjects, and any such person shall thereupon become an alien; but except where the Governor in Council directs as aforesaid, the nationality of the wife and minor children of the person whose certificate is revoked shall not be affected by the revocation, and they shall remain British subjects:

Provided that,

(a) it shall be lawful for the wife of any such person within six months after the date of the order of revocation to make a declaration of alienage, and thereupon she and any minor children of her husband and herself shall cease to be British subjects and shall become aliens; and

(b) the Governor in Council shall not make any such order as aforesaid in the case of a wife who was at birth a British subject, unless he is satisfied upon the report of the Minister that if she had held a certificate of naturalization in her own right the certificate could properly have been revoked under this Act, and the provisions of this Act as to referring cases for inquiry shall apply to the making of any such order as they apply to the revocation of a certificate.

2. The provisions of this section shall, as respects persons affected thereby, have effect in substitution for any other provisions of this Act as to the effect upon the wife and children of any person where the person ceases to be a British subject, and such other provisions shall accordingly not apply in any such case.

3. Where a certificate of naturalization is revoked the former holder thereof shall be regarded as an alien and as a subject of the state to which he belonged at the time the certificate was granted, and shall thereafter for the purpose of this Act, and of the Immigration Act, be deemed never to have been naturalized. 1920, c. 59, s. 2.

11. The Secretary of State and the Government of any British possession shall have the same power to grant a certificate of naturalization under or pursuant to the provisions of the *British Nationality and Status of Aliens Act 1914*, as the Minister has under this Act and the provisions of this Act as to the grant and revocation of such a certificate shall apply accordingly with the substitution of the Secretary of State or the Government of the possession for the Minister or the Governor in Council and Great Britain or the possession for Canada, and also in a possession where any language other than French is recognized as on equality with the English language with the substitution of that language for the French language.

2. Any certificate of naturalization granted under this section shall have the same effect as a certificate of naturalization granted by the Minister under this Act. 1914, c. 44, s. 8; 1920, c. 59, s. 3.

12. The last preceding section shall not apply to any of the dominions specified in the first schedule of this Act, unless the legislature of that Dominion adopts Part II of the *British Nationality and Status of Aliens Act 1914*. 1914, c. 44, s. 9.

Part III.—General

National Status of Married Women and Infant Children

13. The wife of a British subject shall be deemed to be a British subject, and the wife of an alien shall be deemed to be an alien.

2. Where a man ceases during the continuance of his marriage to be a British subject, it shall be lawful for his wife to make a declaration that she desires to retain British nationality, and thereupon she shall be deemed to remain a British subject.

3. Where an alien is a subject of a State at war with His Majesty it shall be lawful for his wife, if she was at birth a British subject, to make a declaration that she desires to resume British nationality and thereupon the Minister, if he is satisfied that it is desirable that she be permitted to do so, may grant her a certificate of naturalization. 1914, c. 44, s. 10; 1914 (2nd Session), c. 7, s. 2; 1920, c. 59, s. 3.

14. A woman who, having been a British subject, has by or in consequence of her marriage become an alien, shall not, by reason only of the death of her husband, or the dissolution of her marriage, cease to be an alien, and a woman who, having been an alien, has by or in consequence of her marriage become a British subject, shall not, by reason only of the death of her husband, or the dissolution of her marriage, cease to be a British subject. 1914, c. 44, s. 11.

15. Where a person being a British subject ceases to be a British subject, whether by declaration of alienage or otherwise, every child of that person, being a minor, shall thereupon cease to be a British subject, unless such

child, on that person ceasing to be a British subject, does not become by the law of any other country naturalized in that country:

Provided that where a widow who is a British subject marries an alien, any child of hers by her former husband shall not, by reason only of her marriage, cease to be a British subject, whether he is residing outside His Majesty's dominions or not.

2. Any child who has so ceased to be a British subject may within one year after attaining his majority make a declaration that he wishes to resume British nationality, and shall thereupon again become a British subject. 1914, c. 44, s. 12.

Loss of British Nationality

16. A British subject who, when in any foreign state and not under disability, by obtaining a certificate of naturalization or by any other voluntary and formal act becomes naturalized therein, shall thenceforth be deemed to have ceased to be a British subject. 1914, c. 44, s. 13.

17. Any person who by reason of his having been born within His Majesty's dominions and allegiance or on board a British ship is a natural-born British subject, but who at his birth or during his minority became under the law of any foreign state a subject also of that state, and is still such a subject, may, if of full age and not under disability, make a declaration of alienage, and on making the declaration shall cease to be a British subject.

2. Any person who though born out of His Majesty's dominions is a natural-born British subject may, if of full age and not under disability, make a declaration of alienage, and on making the declaration shall cease to be a British subject. 1914, c. 44, s. 14.

18. Where His Majesty has entered into a convention with any foreign state to the effect that the subjects or citizens of that state to whom certificates of naturalization have been granted may divest themselves of their status as such subjects, it shall be lawful for His Majesty, by order in council, to declare that the convention has been entered into by His Majesty; and from and after the date of the order any person having been originally a subject or citizen of the state therein referred to, who has been naturalized as a British subject, may, within the limit of time provided in the convention, make a declaration of alienage, and on his making the declaration he shall be regarded as an alien and as a subject of the state to which he originally belonged as aforesaid. 1914, c. 44, s. 15.

19. Where any British subject ceases to be a British subject, he shall not thereby be discharged from any obligation, duty or liability in respect of any act done before he ceased to be a British subject. 1914, c. 44, s. 16.

Status of Aliens

20. Real and personal property of every description may be taken, acquired, held and disposed of by an alien in the same manner in all respects

as by a natural-born British subject; and a title to real and personal property of every description may be derived through, from or in succession to an alien in the same manner in all respects as through, from or in succession to a natural-born British subject.

2. This section shall not operate so as to

(a) qualify an alien for any office or for any municipal, parliamentary, or other franchise; or
(b) qualify an alien to be the owner of a British ship; or
(c) entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly given to him; or
(d) affect an estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the fourth day of July, one thousand eight hundred and eighty-three, or in pursuance of any devolution by law on the death of any person dying before that day. 1914, c. 44, s. 17.

21. An alien shall be triable in the same manner as if he were a natural-born British subject. 1914, c. 44, s. 18.

Procedure and Evidence

22. An alien desiring to be naturalized shall apply for a decision establishing that he is qualified and fit to be naturalized under the provisions of this Act to any judge of any superior court or to any judge of any circuit, district or county court, and in the province of Ontario the Court of General Sessions of the Peace, and in the Northwest Territories to such authorities or persons as the Governor in Council may prescribe. 1920, c. 59, s. 4.

23. The application shall be delivered at the office of the clerk or other proper office of the court during office hours, and such application shall be posted by such clerk or other proper officer in a conspicuous place in his office, continuously for a period of at least three months before the application is heard by the court. 1920, c. 59, s. 4.

24. At any time after the filing of any such application and previous to the hearing of the application, any person objecting to the naturalization of the alien may file in court an opposition in which shall be stated the grounds of his objection. 1914, c. 44, s. 21.

25. The applicant shall produce to the court such evidence, that he is qualified and fit to be naturalized under the provisions of this Act, as the court may require, and shall also personally appear before the court for examination unless it is established to the satisfaction of the court that he is prevented from so appearing by some good and sufficient cause. 1914, c. 44, s. 22.

26. If the court decides that the alien is a fit and proper person to be naturalized and possesses the required qualifications, a certified copy of such

decision shall be transmitted by the clerk of the court to the Minister together with the application and such other papers, documents and reports as may be required by any regulation made hereunder. 1914, c. 44, s. 23.

27. The Minister may thereupon in his absolute discretion issue a certificate of naturalization and shall send the same to the clerk of the court to whom the application for naturalization was made.

2. Upon the applicant taking and subscribing the oath of allegiance, which may be so taken and subscribed by any person duly authorized to administer judicial oaths by the laws of the province in which the applicant resides, the clerk shall deliver the certificate to the applicant. 1920, c. 59, s. 5.

28. The Governor in Council may make regulations generally for carrying into effect the objects of this Act, and in particular with respect to the following matters:—

(a) The forms to be used for the purposes of this Act including the form and registration of certificates of naturalization granted by the Minister;

(b) The form and registration of declarations of alienage and declarations of resumption or retention of British nationality;

(c) The time within which the oath of allegiance is to be taken after the grant of a certificate of naturalization;

(d) The persons by whom the oath of allegiance may be administered and the persons before whom declarations of alienage and declarations of resumption of British nationality may be made;

(e) The form in which the taking and subscription of oaths of allegiance are to be attested;

(f) The registration of oaths of allegiance;

(g) The persons by whom certified copies of oaths of allegiance may be given; and the proof in any legal proceeding of any such oaths;

(h) The imposition and application of fees in respect of any registration authorized to be made by this Act or any Act heretofore in force and in respect of the making of any declaration or the grant of any certificate authorized to be made or granted by this Act or any Act heretofore in force, and in respect of the administration or registration of any oath.

2. Any regulation made by the Governor in Council in pursuance of this Act shall be of the same force as if it had been enacted herein. 1914, c. 44, s. 25; 1914 (2nd Session), c. 7, s. 3.

29. Any declaration made under this Act or under any Act heretofore in force may be proved in any legal proceeding by the production of the original declaration or of any copy thereof certified to be a true copy by the Minister or by any person authorized by him in that behalf, and the production of the declaration or copy shall be evidence of the person therein named as declarant having made the declaration at the date therein mentioned. 1914, c. 44, s. 27.

30. A certificate of naturalization issued under this Act or under the *British Nationality and Status of Aliens Act 1914*, or under any Act or law passed by or in force in any British possession in which Part II of the said *British Nationality and Status of Aliens Act 1914*, has been adopted or is in force may be proved in any legal proceeding by the production of the original certificate or of any copy thereof certified to be a true copy by the officer or person authorized to issue such naturalization certificate or by any person authorized by such officer or person in that behalf. 1914, c. 44, s. 28.

31. Entries in any register made in pursuance of this Act or under any Act heretofore in force may be proved by such copies and certified in such manner as may be directed by the Minister, and the copies of any such entries shall be evidence of any matters, by this Act or by any regulation of the Governor in Council or of the Minister, authorized to be inserted in the register. 1914, c. 44, s. 29.

32. If any person for any of the purposes of this Act knowingly makes any false representation or any statement false in a material particular, he shall be liable on summary conviction in respect of each offence to imprisonment with or without hard labour for any term not exceeding three months. 1914, c. 44, s. 30.

33. The oath of allegiance shall be in the form set out in the Second Schedule to this Act. 1914, c. 44, s. 31.

Supplemental

34. Nothing in this Act shall affect the grant of letters of denization by His Majesty. 1914, c. 44, s. 32.

SCHEDULES

First Schedule

LIST OF DOMINIONS

The Commonwealth of Australia (including for the purposes of this Act the territory of Papua and Norfolk Island).

The Dominion of New Zealand.

The Union of South Africa.

Newfoundland. 1914, c. 44, Sch. 1.

Second Schedule [1]

OATH OF ALLEGIANCE

"I, A. B., swear by Almighty God that I will be faithful and bear true allegiance to His Majesty King George the Fifth, his Heirs and Successors, according to law. So help me God." 1914, c. 44, Sch. 2.

[1] The third Schedule of the British Nationality and Status of Aliens Act, 1914, does not form part of this Act.

CANADIAN NATIONALS ACT OF 1921 [1]

AN ACT TO DEFINE CANADIAN NATIONALS AND TO PROVIDE FOR THE RENUNCIATION OF CANADIAN NATIONALITY

Short Title

1. This Act may be cited as the Canadian Nationals Act.

2. The following persons are Canadian Nationals, viz:

(a) Any British subject who is a Canadian citizen within the meaning of the Immigration Act;

(b) The wife of any such citizen;

(c) Any person born out of Canada, whose father was a Canadian National at the time of that person's birth, or with regard to persons born before the third day of May, one thousand nine hundred and twenty-one, any person whose father at the time of such birth, possessed all the qualifications of a Canadian National, as defined in this Act. 1921, c. 4, s. 1.

3. (a) Any person who by reason of his having been born in Canada is a Canadian National, but who at his birth or during his minority became under the law of Great Britain or of any self-governing Dominion of the British Empire, a national also of that Kingdom or Dominion, and is still such a national; and

(b) Any person who though born out of Canada is a Canadian National;

may, if of full age and not under disability, make a declaration, renouncing his Canadian nationality.

2. Such declaration may be made before a notary public or other person authorized to administer oaths in the locality in which the declaration is made, and may be in the form set out in the Schedule to this Act.

3. The declarant shall transmit his declaration to the Secretary of State of Canada and upon the Secretary of State being satisfied of the sufficiency of the declaration and that it has been duly executed, it shall be filed of record, whereupon the declarant shall cease to be a Canadian National, and a certified copy of the declaration shall be forwarded to the declarant with an endorsement thereon that the original declaration has been filed of record. 1921, c. 4, s. 3.

SCHEDULE

Declaration of Renunciation of Canadian Nationality

I,.....of the .....of.....in the.....of..... do hereby declare:

[1] As published in 1 Revised Statutes, 1927, c. 21, p. 347.

1. That I am a Canadian National within the definition of *An Act to define Canadian Nationals and to provide for the Renunciation of Canadian Nationality* by reason of the fact that.....

2. That I am also a National of.....
by reason of the fact that.....

3. That I am of the full age of twenty-one years and under no disability.

4. That I hereby renounce my Canadian nationality and declare that it is my desire to be considered and treated as a National of.....

Made and subscribed before me at the
.....of.....
in the.....of
.....
this..... day of.....
19....

A Notary Public or other person authorized to administer oaths. 1921, c. 4, Sch.

COMMONWEALTH OF AUSTRALIA[1]

THE NATIONALITY ACT, 1920–1925

BEING THE NATIONALITY ACT 1920 (NO. 48 OF 1920),[2] AS AMENDED BY THE NATIONALITY ACT 1922 (NO. 24 OF 1922),[3] AND BY THE NATIONALITY ACT 1925 (NO. 10 OF 1925)[4]

PART I.— PRELIMINARY

1. This Act may be cited as the *Nationality Act*, 1920–1925.

2. This Act is divided into Parts, as follows:

Part I.—Preliminary.
Part II.—Natural-born British Subjects.
Part III.—Naturalization of Aliens.
Part IV.—General.
Division 1.—National Status of Married Women and Infant Children.
Division 2.—Loss of British Nationality.
Division 3.—Procedure and Evidence.
Part V.—Miscellaneous.

3. The *Naturalization Act* 1903–1917 is hereby repealed, but such repeal shall not affect the rights or status of any person naturalized under that Act.

4. This Act shall commence on a day to be fixed by proclamation.[5]

5.—(1) In this Act, unless the contrary intention appears—

"Alien" means a person who is not a British subject;
"British Consulate" means the office of any British consular officer where a register of births is kept, and includes, in the case of any territory where there is no British Consulate and there is a British resident or other representative of His Majesty, the office of such resident or representative;
"British subject" means a person who is a natural-born British subject, or a person to whom a certificate of naturalization has been granted, or a person who has become a subject of His Majesty by reason of any annexation of territory;
"Certificate of naturalization" means a certificate of naturalization granted under this Act, and being, at the time when it is relied upon in connexion with any provision of this Act, unrevoked;
"Disability" means the status of being a married woman, or a minor, lunatic or idiot;

[1] Naturalization Act No. 11 of 1903 (Commonwealth Acts, II, 91; Cit. Bd. Report [1906] 362) passed in pursuance of Section 51 (XIX) of the Commonwealth of Australia Constitution Act of July 9, 1900 (Commonwealth Acts, I, 1; Cit. Bd. Report [1906] 362), as amended to 1917, was repealed by Section 3 of the Nationality Act, 1920–1925. The naturalization provided for in the Act of 1903 was of a purely local character.

[2] Commonwealth Acts, XVIII, 139. [3] Id. XX, 116. [4] Id. XXIII, 13.

[5] The Act of 1920 was proclaimed to commence on 1st January, 1921.

"Justice of the Peace" means a Justice of the Peace of the Commonwealth or of a State or Territory;
"Statutory Declaration" means a statutory declaration within the meaning of any law of the Commonwealth or of the State or Territory in which the declaration is made relating to statutory declarations;
"Territorial waters" includes any port, harbour or dock;
"Territory" means a Territory to which this Act extends;
"The British Act" means the *British Nationality and Status of Aliens Act*, 1914 (4 & 5 Geo. 5, Ch. 17) of the United Kingdom, as amended by the *British Nationality and Status of Aliens Act*, 1918 (8 & 9 Geo. 5, Ch. 5) of the United Kingdom;
"The Minister" means the Minister of State for Home and Territories.

(2) Where in pursuance of this Act the name of a child is included in a certificate of naturalization granted to his parent, or where, in pursuance of any Act repealed by this Act, any child has been deemed to be a naturalized British subject, by reason of residence with his parent, such child shall, for the purposes of this Act, be deemed to be a person to whom a certificate of naturalization has been granted.

5A. This Act shall extend to the Territories of Papua and Norfolk Island and to any other Territories under the authority of the Commonwealth to which the Governor-General by proclamation declares it to extend.

Part II.—Natural-born British Subjects

6.—(1) The following persons shall be deemed to be natural-born British subjects, namely:

(a) Any person born within His Majesty's dominions and allegiance; and
(b) Any person born out of His Majesty's dominions whose father was, at the time of that person's birth, a British subject, and who fulfils any of the following conditions:
  (i) if his father was born within His Majesty's allegiance;
  (ii) if his father was a person to whom a certificate of naturalization had been granted; or
  (iii) if his father had become a British subject by reason of any annexation of territory;
  (iv) if his father was at the time of that person's birth in the service of the Crown; or
  (v) if his birth was registered at a British Consulate within one year, or in special circumstances, with the consent of the Secretary of State, two years, after its occurrence, or, in the case of a person born on or after the first day of January, One thousand nine hundred and fifteen, who would have been a British subject if born before that date, within twelve months after the first day of August, One thousand nine hundred and twenty-two; and
(c) Any person born on board a British ship whether in foreign territorial waters or not:

Provided that the child of a British subject, whether that child was born before or after the passing of this Act, shall be deemed to have been born within His Majesty's allegiance if born in a place where by treaty, capitulation, grant, usage, sufferance, or other lawful means, His Majesty exercises jurisdiction over British subjects:

Provided also that any person whose British nationality is conditional upon registration at a British consulate shall cease to be a British subject unless within one year after he attains the age of twenty-one, or, in special cases, within such extended period as is prescribed—

(i) he asserts his British nationality by a declaration of retention of British nationality, registered as prescribed; and

(ii) if he is a subject or citizen of a foreign country under the law of which he can, at the time of asserting his British nationality, divest himself of the nationality of that foreign country by making a declaration of alienage or otherwise, he divests himself of such nationality accordingly.

(2) A person born on board a foreign ship shall not be deemed to be a British subject by reason only that the ship was in British territorial waters at the time of his birth.

(3) Nothing in this section shall, except as otherwise expressly provided, affect the status of any person born before the commencement of this Act.

Part III.—Naturalization of Aliens

7.—(1) The Governor-General may grant a certificate of naturalization to an alien who makes an application for the purpose, and satisfies the Governor-General—

(a) that he has either resided in His Majesty's dominions for a period of not less than five years in the manner required by this section, or been in the service of the Crown for not less than five years within the last eight years before the application; and

(b) that he is of good character and has an adequate knowledge of the English language; and

(c) that he intends if his application is granted either to reside in His Majesty's dominions or to enter or continue in the service of the Crown.

(2) The residence required by this section is residence in the Commonwealth or a Territory for not less than one year immediately preceding the application, and previous residence, either in the Commonwealth or a Territory or in some other part of His Majesty's dominions, for a period of four years within the last eight years before the application.

(3) The grant of a certificate of naturalization to any such alien shall be in the absolute discretion of the Governor-General, and he may, with or without assigning any reason, give or withhold the certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.

(4) A certificate of naturalization shall not take effect until the applicant has taken the oath of allegiance.

(5) In the case of a woman who was a British subject previously to her marriage to an alien, and whose husband has died or whose marriage has been dissolved, the requirements of this section as to residence shall not apply and the Governor-General may in any other special case, if he thinks fit, grant a certificate of naturalization, although the four years' residence or five years' service has not been within the last eight years before the application.

(6) For the purposes of this section a period spent in the service of the Crown may, if the Governor-General thinks fit, be treated as equivalent to a period of residence in the Commonwealth or a Territory.

8.—(1) Any person to whom a certificate of naturalization has been issued under the Act repealed by this Act or under any State Act or under any Ordinance of a Territory, or who has been naturalized by virtue of a certificate of naturalization issued to his father or mother under any such Act or Ordinance, may apply to the Governor-General in the prescribed manner for a certificate of naturalization under this Act, and the Governor-General may, upon being satisfied that the applicant is of good character and would have been eligible had he remained an alien, to receive a certificate of naturalization under this Act, grant to him a certificate of naturalization which shall, for all purposes, have the same effect as a certificate of naturalization granted under section seven of this Act.

(2) The grant of a certificate in pursuance of this section shall be in the absolute discretion of the Governor-General, and he may, with or without assigning any reason, give or withhold the certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.

9. The Governor-General may, in his absolute discretion, in such cases as he thinks fit, grant a special certificate of naturalization to any person with respect to whose nationality as a British subject a doubt exists, and he may specify in the certificate that the grant thereof is made for the purpose of quieting doubts as to the right of the person to be a British subject, and the grant of such a special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject.

10.—(1) Where an alien obtains a certificate of naturalization, the Governor-General may, if he thinks fit, on the application of that alien, include in the certificate the name of any child of the alien born before the date of the certificate and being a minor, and that child shall thereupon, if not already a British subject, become a British subject; but any such child may, within one year after attaining his majority, make a declaration of alienage, and shall thereupon cease to be a British subject.

(2) The Governor-General may, in his absolute discretion in any special case in which he thinks fit, grant a certificate of naturalization to any minor, whether or not the conditions required by this Act have been complied with.

(3) Except as provided by this Act, a certificate of naturalization shall not be granted to any person under disability.

11. A person to whom a certificate of naturalization is granted by the Governor-General shall, subject to the provisions of this or any other Act, be entitled to all political and other rights, powers and privileges, and be subject to all obligations duties and liabilities to which a natural-born British subject is entitled or subject, and, as from the date of his naturalization, have to all intents and purposes the status of a natural-born British subject:

Provided that where, by any provision of the Constitution or of any Act or State Constitution or Act or of any Ordinance of a Territory, a distinction is made between the rights, powers or privileges of natural-born British subjects and those of persons naturalized in the Commonwealth or in a State or Territory, as the case may be, the rights, powers and privileges conferred by this section shall, for the purposes of that provision, be only those (if any) to which persons so naturalized are therein expressed to be entitled.

12.—(1) Where the Governor-General is satisfied that a certificate of naturalization has been obtained by false representation or fraud, or by concealment of material circumstances, or that the person to whom the certificate is granted has shown himself by act or speech to be disaffected or disloyal to His Majesty, the Governor-General shall by order revoke the certificate.

(2) Without prejudice to the foregoing provisions the Governor-General shall by order revoke a certificate of naturalization in any case in which he is satisfied that the person to whom the certificate was granted either—

(a) has during any war in which His Majesty is engaged unlawfully traded or communicated with the enemy or with the subject of an enemy state, or been engaged in or associated with any business which is to his knowledge carried on in such manner as to assist the enemy in such war; or
(b) has within five years of the date of the grant of the certificate been sentenced by any court in His Majesty's dominions to imprisonment for a term of not less than twelve months, or to a term of penal servitude, or to a fine of not less than One hundred pounds; or
(c) was not of good character at the date of the grant of the certificate; or
(d) has since the date of the grant of the certificate been for a period of not less than seven years ordinarily resident out of His Majesty's dominions otherwise than as a representative of a British subject, firm or company carrying on business, or an institution established, in His Majesty's dominions, or in the service of the Crown, and has not maintained substantial connexion with His Majesty's dominions; or
(e) remains according to the law of a state at war with His Majesty a subject of that state;

and that (in any case) the continuance of the certificate is not conducive to the public good.

(3) Where a person is naturalized by virtue of the grant of a certificate of naturalization to his father or mother, the provisions of this section shall apply to that person as if he were a person to whom a certificate of naturalization had been granted, and the Governor-General may, for the same reasons and subject to the same conditions as are provided in this section in relation to the revocation of a certificate of naturalization, by order declare that that person shall cease to be a British subject, and that person shall thereupon become an alien and shall be regarded as a subject of the State to which he belonged at the time of the issue of the certificate of naturalization to his father or mother, and any reference in this Act to the revocation of a certificate of naturalization shall, unless the contrary intention appears, be read as a reference to an order made in pursuance of this sub-section.

(4) The Governor-General may, if he thinks fit, before making an order under this section refer the case for such inquiry as is hereinafter specified, and in any case to which sub-section (1) or paragraph (a), (c), or (e) of sub-section (2) of this section applies, the Minister shall, by notice given to, or sent to the last known address of, the holder of the certificate or naturalized person, give him an opportunity of claiming that the case be referred for such inquiry, and if the holder or naturalized person so claims in accordance with the notice the Governor-General shall refer the case for inquiry accordingly.

(5) An inquiry under this section shall be held by a committee constituted for the purpose by the Governor-General, presided over by a person (appointed by the Governor-General) who is or has been a Justice of the High Court of Australia or a Judge of a Supreme Court of a State or the officer holding the principal judicial office in a Territory, and shall be conducted in such manner as the Governor-General may direct:

Provided that any such inquiry may, if the Governor-General thinks fit, instead of being held as aforesaid, be held by the High Court of Australia, and the practice and procedure on any inquiry so held shall be regulated by rules of court.

(6) A committee appointed under this section shall have all such powers, rights and privileges as are vested in the High Court of Australia, or in any Justice thereof on the occasion of any action, in respect of the following matters:

(a) the enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise, and the issue of a commission or a request to examine witnesses abroad; and
(b) the compelling the production of documents; and
(c) the punishing persons guilty of contempt;

and a summons signed by one or more members of the committee may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

(7) Where a person to whom a certificate of naturalization has been granted in some other part of His Majesty's dominions is resident in the Commonwealth or a Territory, the certificate may be revoked in accordance with this section by the Governor-General, with the concurrence of the Government of that part of His Majesty's dominions in which the certificate was granted.

(8) Where the Governor-General revokes a certificate of naturalization, the revocation shall have effect from such date as the Governor-General may direct, and thereupon the certificate shall be given up and cancelled, and any person refusing or neglecting to give up his certificate shall be liable on summary conviction to a fine not exceeding One hundred pounds.

13.—(1) Where a certificate of naturalization is revoked the Governor-General may by order direct that the wife and minor children (or any of them) of the person whose certificate is revoked shall cease to be British subjects, and any such person shall thereupon become an alien; but except where the Governor-General directs as aforesaid the nationality of the wife and minor children of the person whose certificate is revoked shall not be affected by the revocation, and they shall remain British subjects:

Provided that—

(a) it shall be lawful for the wife of any such person within six months after the date of the order of revocation to make a declaration of alienage, and thereupon she and any minor children of her husband and herself shall cease to be British subjects and shall become aliens; and

(b) the Governor-General shall not make any such order as aforesaid in the case of a wife who was at birth a British subject, unless he is satisfied that if she had held a certificate of naturalization in her own right the certificate could properly have been revoked under this Act, and the provisions of this Act as to referring cases for inquiry shall apply to the making of any such order as they apply to the revocation of a certificate.

(2) The provisions of this section shall, as respects persons affected thereby, have effect in substitution for any other provisions of this Act as to the effect upon the wife and children of any person where the person ceases to be a British subject and such other provisions shall accordingly not apply in any such case.

(3) Where a certificate of naturalization is revoked the former holder thereof shall be regarded as an alien and as a subject of the state to which he belonged at the time the certificate was granted.

14. For the purposes of the last two preceding sections "certificate of naturalization" includes a certificate of naturalization issued under the Act repealed by this Act or under any State Act or under any Ordinance of a Territory.

15. A certificate of naturalization granted by the Secretary of State having charge of the administration of the British Act or by the Government of any British Possession shall, in the Commonwealth or a Territory, have the same force and effect as a certificate of naturalization granted in pursuance of this Act.

16. The last preceding section shall not apply to certificates granted by the Government of any Dominion specified in the Second Schedule to this Act unless the Legislature of that Dominion adopts Part II of the British Act.

17.—(1) Part II of the British Act, a copy of which Part is set out in the First Schedule to this Act, is adopted.

(2) Any power which, under Part II of the British Act, is exercisable by the Secretary of State, shall be vested in and exercisable by the Governor General.

Part IV.— General

Division 1.—National Status of Married Women and Infant Children

18. The wife of a British subject shall be deemed to be a British subject, and the wife of an alien shall be deemed to be an alien:

Provided that where a man ceases during the continuance of his marriage to be a British subject it shall be lawful for his wife to make a declaration that she desires to retain British nationality, and thereupon she shall be deemed to remain a British subject:

Provided also where an alien is a subject of a state at war with His Majesty it shall be lawful for his wife if she was at birth a British subject to make a declaration that she desires to resume British nationality, and thereupon the Governor-General, if he is satisfied that it is desirable that she be permitted to do so, may grant her a certificate of naturalization.

19. A woman who, having been a British subject, has by or in consequence of her marriage become an alien, shall not, by reason only of the death of her husband or the dissolution of her marriage, cease to be an alien, and a woman who, having been an alien, has by or in consequence of her marriage become a British subject, shall not, by reason only of the death of her husband or the dissolution of her marriage, cease to be a British subject.

20.—(1) Where a person being a British subject ceases to be a British subject, whether by declaration of alienage or otherwise, every child of that person, being a minor, shall thereupon cease to be a British subject, unless such child, on that person ceasing to be a British subject, does not become by the law of any other country naturalized in that country:

Provided that, where a widow who is a British subject marries an alien, any child of hers by her former husband shall not, by reason only of her marriage, cease to be a British subject, whether he is residing outside His Majesty's dominions or not.

(2) Any child who has so ceased to be a British subject may, within one year after attaining his majority, make a declaration that he wishes to resume British nationality, and shall thereupon again become a British subject.

Division 2.—Loss of British Nationality

21. A British subject who, when in any foreign state and not under disability, by obtaining a certificate of naturalization or by any other voluntary and formal act, becomes naturalized therein, shall thenceforth be deemed to have ceased to be a British subject.

22.—(1) Any person who by reason of his having been born within His Majesty's dominions and allegiance or on board a British ship is a natural-born British subject, but who at his birth or during his minority became under the law of any foreign state a subject also of that state, and is still such a subject, may, if of full age and not under disability, make a declaration of alienage, and on making the declaration shall cease to be a British subject.

(2) Any person who though born out of His Majesty's dominions is a natural-born British subject may, if of full age and not under disability, make a declaration of alienage, and on making the declaration shall cease to be a British subject.

23. Where His Majesty has entered into a convention with any foreign state to the effect that the subjects or citizens of that state to whom certificates of naturalization have been granted may divest themselves of their status as such subjects, it shall be lawful for His Majesty, by Order in Council, to declare that the convention has been entered into by His Majesty, and from and after the date of the Order any person having been originally a subject or citizen of the state therein referred to who has been naturalized as a British subject may, within the limit of time provided in the convention, make a declaration of alienage, and on his making the declaration he shall be regarded as an alien and as a subject of the state to which he originally belonged as aforesaid.

24. Where any British subject ceases to be a British subject, he shall not thereby be discharged from any obligation, duty or liability in respect of any act done before he ceased to be a British subject.

Division 3.—Procedure and Evidence

25.—(1) An applicant for a certificate of naturalization shall produce in support of his application his own statutory declaration stating his name, age, birthplace, occupation and residence, the length of his residence in the British Empire or the period within the eight years preceding the date of his application during which he has been in the service of the Crown, and such other particulars as are prescribed and that he intends to settle in the British Empire or to enter or continue in the service of the Crown.

(2) In addition to compliance with the preceding provisions of this section an applicant shall—

(a) advertise in the manner prescribed his intention to seek naturalization and satisfy the Minister in the prescribed manner that he has done so; and

(b) produce certificates of character from three natural-born British subjects, two of whom are householders and one of whom is a Justice of the Peace, a postmaster, a teacher of a State school or an officer of the police force of the Commonwealth or a State or a Territory.

(3) Any person may, on payment of the prescribed fee, inspect any certificate produced in pursuance of the last preceding sub-section.

26.—(1) Any person may make representations to the Minister with regard to any person who has applied or has advertised his intention to apply for naturalization.

(2) The representations shall be in the form of a statutory declaration.

27. Any declaration made under this Act or under any Act hereby repealed may be proved in any legal proceeding by the production of the original declaration or of any copy thereof certified to be a true copy by the Governor-General, or by any person authorized by him in that behalf, and the production of the declaration or copy shall be evidence of the person therein named as declarant having made the declaration at the date therein mentioned:

Provided that if any person, other than the person making the declaration, is affected by such declaration, he shall be entitled to publicly examine and cross-examine the declarant before such declaration is acted upon by the Minister.

28. A certificate of naturalization may be proved in any legal proceeding by the production of the original certificate or of any copy thereof certified to be a true copy by the Governor-General, or by any person authorized by him in that behalf.

29. Entries in any register made in pursuance of this Act or under any Act hereby repealed may be proved by such copies and certified in such manner as may be directed by the Governor-General, and the copies of any such entries shall be evidence of any matters, by this Act or by any Act hereby repealed or by any regulation of the Governor-General, authorized to be inserted in the register.

30. If any person for any of the purposes of this Act knowingly makes any false representation or any statement false in a material particular, he shall be liable on summary conviction in respect of each offence to imprisonment with or without hard labour for any term not exceeding three months.

31. The oath of allegiance shall be in the form set out in the Third Schedule to this Act.

PART V.—MISCELLANEOUS

32.—(1) The Minister shall—

(a) enrol as of record memorials of all certificates of naturalization granted under this Act;
(b) cancel all certificates of naturalization which have been revoked;
(c) cause to be made indexes of the certificates of naturalization and permit any person at all reasonable times to inspect the indexes and to make copies of the certificates on payment of the prescribed fee;
(d) cause to be laid before both Houses of the Parliament annually a return showing the number of persons to whom certificates of naturalization have been granted under this Act, the nations to which they belonged, and whence they came; and
(e) cause be published in the *Gazette* from time to time a list of persons naturalized with their addresses.

(2) A person to whom a certificate of naturalization is granted shall not be liable to any fee or charge in respect thereof.

32A.—(1) Any person who, except in accordance with this Act—

(a) parts with the possession of a certificate issued to him; or
(b) receives, or has in his possession, a certificate not issued to him,

shall be guilty of an offence.

Penalty: One hundred pounds.

(2) In this section "certificate" includes a certificate of naturalization issued under the Act repealed by this Act or under any State Act.

(3) An offence against this section shall not be prosecuted without the written consent of the Attorney-General or a person authorized in writing by the Attorney-General.

33. The right to issue certificates of naturalization in the Commonwealth shall be exclusively vested in the Government of the Commonwealth, and no certificate of naturalization or letters of naturalization issued after the commencement of this Act under Any State Act shall be of any effect.

34.—(1) Where the Governor-General is satisfied that it is desirable for any reason that a certificate or letters of naturalization, issued under the Act repealed by this Act or under any State Act or under any Ordinance of a Territory, should be amended, he may amend the certificate or letters of naturalization.

(2) Any certificate or letter of naturalization amended in pursuance of this section shall upon amendment be, and be taken to have been, of effect as so amended.

35.—(1) The wife of any person whose certificate or letters of naturalization have been revoked may, within six months after the date of the order of revocation, make a declaration of alienage, and, on making that declaration, she, and any minor children of her husband and herself who have ac-

quired British nationality by virtue of the issue of the certificate or letters of naturalization, shall cease to be British subjects and shall become aliens.

(2) The minor child of any person whose certificate or letters of naturalization have been revoked may, within six months after attaining the age of twenty-one years, make a declaration of alienage, and thereupon he shall cease to be a British subject and shall become an alien.

36. The Governor-General may make regulations prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for giving effect to this Act.

SCHEDULES

The First Schedule

Part II. of the *British Nationality and Status of Aliens Act* 1914 (4 & 5 Geo. 5, Ch. 17) as Amended by the *British Nationality and Status of Aliens Act* 1918 (8 & 9 Geo. 5, Ch. 38).

2.—(1) The Secretary of State may grant a certificate of naturalization to an alien who makes an application for the purpose, and satisfies the Secretary of State—

(a) that he has either resided in His Majesty's dominions for a period of not less than five years in the manner required by this section, or been in the service of the Crown for not less than five years within the last eight years before the application; and

(b) that he is of good character and has an adequate knowledge of the English language; and

(c) that he intends if his application is granted either to reside in His Majesty's dominions or to enter or continue in the service of the Crown.

(2) The residence required by this section is residence in the United Kingdom for not less than one year immediately preceding the application, and previous residence, either in the United Kingdom or in some other part of His Majesty's dominions, for a period of four years within the last eight years before the application.

(3) The grant of a certificate of naturalization to any such alien shall be in the absolute discretion of the Secretary of State, and he may, with or without assigning any reason, give or withhold the certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.

(4) A certificate of naturalization shall not take effect until the applicant has taken the oath of allegiance.

(5) In the case of a woman who was a British subject previously to her marriage to an alien, and whose husband has died or whose marriage has been dissolved, the requirements of this section as to residence shall not apply and the Secretary of State may in any other special case, if he thinks fit, grant a certificate of naturalization, although the four years' residence or five years' service has not been within the last eight years before the application.

(6) For the purposes of this section a period spent in the service of the Crown may, if the Secretary of State thinks fit, be treated as equivalent to a period of residence in the United Kingdom.

3.—(1) A person to whom a certificate of naturalization is granted by a Secretary of State shall, subject to the provisions of this Act, be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, duties, and liabilities, to which a natural-born British subject is entitled or subject, and, as from the date of his naturalization, have to all intents and purposes the status of a natural-born British subject.

(2) Section three of the Act of Settlement (which disqualifies naturalized aliens from holding certain offices) shall have effect as if the words "naturalized or" were omitted therefrom.

4. The Secretary of State may, in his absolute discretion, in such cases as he thinks fit, grant a special certificate of naturalization to any person with respect to whose nationality as a British subject a doubt exists, and he may specify in the certificate that the grant thereof is made for the purpose of quieting doubts as to the right of the person to be a British subject, and the grant of such a special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject.

5.—(1) Where an alien obtains a certificate of naturalization, the Secretary of State may, if he thinks fit, on the application of that alien, include in the certificate the name of any child of the alien born before the date of the certificate and being a minor, and that child shall thereupon, if not already a British subject, become a British subject; but any such child may, within one year after attaining his majority, make a declaration of alienage, and shall thereupon cease to be a British subject.

(2) The Secretary of State may, in his absolute discretion in any special case in which he thinks fit, grant a certificate of naturalization to any minor, whether or not the conditions required by this Act have been complied with.

(3) Except as provided by this Act, a certificate of naturalization shall not be granted to any person under disability.

6. An alien who has been naturalized before the passing of this Act may apply to the Secretary of State for a certificate of naturalization under this Act, and the Secretary of State may grant him a certificate on such terms and conditions as he may think fit.

7.—(1) Where the Secretary of State is satisfied that a certificate of naturalization granted by him has been obtained by false representation or fraud, or by concealment of material circumstances, or that the person to whom the certificate is granted has shown himself by act or speech to be disaffected or disloyal to His Majesty, the Secretary of State shall by order revoke the certificate.

(2) Without prejudice to the foregoing provisions the Secretary of State shall by order revoke a certificate of naturalization granted by him in any case in which he is satisfied that the person to whom the certificate was granted either—

(a) has during any war in which His Majesty is engaged unlawfully traded or communicated with the enemy or with the subject of an enemy state, or been engaged in or associated with any business which is to his knowledge carried on in such a manner as to assist the enemy in such war; or

(b) has within five years of the date of the grant of the certificate been sentenced by any court in His Majesty's dominions to imprisonment for a term of not less than twelve months, or to a term of

penal servitude, or to a fine of not less than One hundred pounds; or

(c) was not of good character at the date of the grant of the certificate; or

(d) has since the date of the grant of the certificate been for a period of not less than seven years ordinarily resident out of His Majesty's dominions otherwise than as a representative of a British subject, firm, or company carrying on business, or an institution established, in His Majesty's dominions, or in the service of the Crown, and has not maintained substantial connection with His Majesty's dominions; or

(e) remains according to the law of a state at war with His Majesty a subject of that state;

and that (in any case) the continuance of the certificate is not conducive to the public good.

(3) The Secretary of State may, if he thinks fit, before making an order under this section refer the case for such inquiry as is hereinafter specified, and in any case to which sub-section (1) or paragraph (a), (c), or (e) of sub-section (2) of this section applies, the Secretary of State shall, by notice given to or sent to the last-known address of the holder of the certificate, give him an opportunity of claiming that the case be referred for such inquiry, and if the holder so claims in accordance with the notice the Secretary of State shall refer the case for inquiry accordingly.

(4) An inquiry under this section shall be held by a committee constituted for the purpose by the Secretary of State, presided over by a person (appointed by the Secretary of State with the approval of the Lord Chancellor) who holds or has held high judicial office, and shall be conducted in such manner as the Secretary of State may direct:

Provided that any such inquiry may, if the Secretary of State thinks fit, instead of being held as aforesaid be held by the High Court, and the practice and procedure on any inquiry so held shall be regulated by rules of court.

A committee appointed under this section shall have all such powers, rights, and privileges as are vested in the High Court or in any judge thereof on the occasion of any action, in respect of the following matters:

(a) the enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise, and the issue of a commission or a request to examine witnesses abroad; and

(b) the compelling the production of documents; and

(c) the punishing persons guilty of contempt;

and a summons signed by one or more members of the committee may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

(5) Where a person to whom a certificate of naturalization has been granted in some other part of His Majesty's dominions is resident in the United Kingdom, the certificate may be revoked in accordance with this section by the Secretary of State, with the concurrence of the Government of that part of His Majesty's dominions in which the certificate was granted.

(6) Where the Secretary of State revokes a certificate of naturalization, the revocation shall have effect from such date as the Secretary of State may

direct, and thereupon the certificate shall be given up and cancelled, and any person refusing or neglecting to give up his certificate shall be liable on summary conviction to a fine not exceeding one hundred pounds.

7A.—(1) Where a certificate of naturalization is revoked the Secretary of State may by order direct that the wife and minor children (or any of them) of the person whose certificate is revoked shall cease to be British subjects, and any such person shall thereupon become an alien; but except where the Secretary of State directs as aforesaid, the nationality of the wife and minor children of the person whose certificate is revoked shall not be affected by the revocation, and they shall remain British subjects:

Provided that—

(a) it shall be lawful for the wife of any such person within six months after the date of the order of revocation to make a declaration of alienage, and thereupon she and any minor children of her husband and herself shall cease to be British subjects and shall become aliens; and

(b) the Secretary of State shall not make any such order as aforesaid in the case of a wife who was at birth a British subject, unless he is satisfied that if she had held a certificate of naturalization in her own right the certificate could properly have been revoked under this Act, and the provisions of this Act as to referring cases for inquiry shall apply to the making of any such order as they apply to the revocation of a certificate.

(2) The provisions of this section shall, as respects persons affected thereby, have effect in substitution for any other provisions of this Act as to the effect upon the wife and children of any person where the person ceases to be a British subject and such other provisions shall accordingly not apply in any such case.

(3) Where a certificate of naturalization is revoked the former holder thereof shall be regarded as an alien and as a subject of the state to which he belonged at the time the certificate was granted.

8.—(1) The Government of any British Possession shall have the same power to grant a certificate of naturalization as the Secretary of State has under this Act, and the provisions of this Act as to the grant and revocation of such a certificate shall apply accordingly, with the substitution of the Government of the Possession for the Secretary of State, and the Possession for the United Kingdom and of a High Court or superior Court of the Possession for the High Court, and with the omission of any reference to the approval of the Lord Chancellor, and also, in a Possession where any language is recognised as on an equality with the English language, with the substitution of the English language or that language for the English language:

Provided that, in any British Possession other than British India and a Dominion specified in the First Schedule to this Act, the powers of the Government of the Possession under this section shall be exercised by the Governor or a person acting under his authority, but shall be subject in each case to the approval of the Secretary of State, and any certificate proposed to be granted and any proposal to revoke any certificate shall be submitted to him for his approval.

(2) Any certificate of naturalization granted under this section shall have the same effect as a certificate of naturalization granted by the Secretary of State under this Act.

9.—(1) This Part of this Act shall not, nor shall any certificate of naturalization granted thereunder, have effect within any of the Dominions specified in the First Schedule to this Act, unless the Legislature of that Dominion adopts this Part of this Act.

(2) Where the Legislature of any such Dominion has adopted this Part of this Act, the Government of the Dominion shall have the like powers to make regulations with respect to certificates of naturalization and to oaths of allegiance as are conferred by this Act on the Secretary of State.

(3) The Legislature of any such Dominion which adopts this Part of this Act may provide how and by what Department of the Government the powers conferred by this Part of this Act on the Government of a British Possession are to be exercised.

(4) The Legislature of any such Dominion may at any time rescind the adoption of this Part of this Act, provided that no such rescission shall prejudicially affect any legal rights existing at the time of such rescission.

The Second Schedule

LIST OF DOMINIONS

The Dominion of Canada.
The Commonwealth of Australia (including for the purposes of this Act the territory of Papua and Norfolk Island).
The Dominion of New Zealand.
The Union of South Africa.
Newfoundland.

The Third Schedule

OATH OF ALLEGIANCE

"I, A. B., swear by Almighty God that I will be faithful and bear true allegiance to His Majesty, King George the Fifth, his Heirs and successors, according to law."

DOMINION OF NEW ZEALAND[1]

BRITISH NATIONALITY AND STATUS OF ALIENS (IN NEW ZEALAND) ACT, 1928[2]

Title.
1. Short Title and commencement.
2. Interpretation.

BRITISH NATIONALITY IN NEW ZEALAND.

Adoption of Part II of Imperial Act.

3. Adoption of Part II of Imperial Act.
4. Exercise in New Zealand of powers conferred by Part II of Imperial Act.
5. Persons previously naturalized may receive certificates of naturalization under this Act.

Declaratory Statement as to other Provisions of Imperial Acts.

6. Certain provisions of Imperial Acts declared part of law of New Zealand.

Application of Act to Cook Islands and Western Samoa.

7. Naturalization of aliens in Cook Islands and Western Samoa.
8. Restricted operation of certain certificates of naturalization granted to residents of Western Samoa.

Miscellaneous.

9. Oath of allegiance.
10. Saving the powers of the General Assembly to differentiate between different classes of subjects.
11. Records of naturalization.
12. Penalty for false representation or statement.

STATUS OF ALIENS IN NEW ZEALAND.

Capacity to acquire Land.

13. Capacity of aliens to acquire land in New Zealand.

REGULATIONS.

14. Governor-General may make regulations for purposes of this Act.

REPEALS.

15. Repeals. Saving of existing certificates. Schedules.

1. This Act may be cited as the British Nationality and Status of Aliens (in New Zealand) Act, 1928, and shall come into operation on the day on which His Majesty's assent thereto is notified by the Governor-General by a Proclamation published in the *Gazette*, or on such later date (being not later than three months after the date of the publication of the Proclamation as aforesaid) as is specified in that behalf in the Proclamation.

2. In this Act the expression "the Imperial Act" or "the Imperial Acts" means the British Nationality and Status of Aliens Act, 1914 (Imperial), as amended by the British Nationality and Status of Aliens Act, 1918, the British Nationality and Status of Aliens Act, 1922, and any other enactment for the time being in force.

[1] The Aliens Act of October 4, 1866 (30 Vict., 1866, No. 17), the Aliens Act of September 12, 1870 (33 and 34 Vict., 1870, No. 40) and the Naturalization Act, 1870, Fees Act of November 14, 1871, No. 47, which dealt with naturalization, were repealed by the Aliens Act of August 17, 1880 (44 Vict., 1880, No. 10; Cit. Bd. Report [1906] 423), which was modified by the Act of September 24, 1892 (56 Vict., 1892, No. 19; Cit. Bd. Report [1906] 426).

The Aliens Act, 1908 (8 Edw. VII, 1908, No. 5), the Revocation of Naturalization Act of September 15, 1917 (8 Geo. V, 1917, No. 8) as amended by the Act of August 9, 1920 (11 Geo. V, 1920, No. 8) and Section 9 of the Finance Act of February 4, 1921 (12 Geo. V, 1921, No. 72), all of which provided for naturalization of a purely local character, were repealed by the British Nationality and Status of Aliens (in New Zealand) Act, 1923 (14 Geo. V, 1923, No. 46), which, together with the British Nationality and Status of Aliens (in New Zealand) Amendment Act of 1924 (15 Geo. V), was repealed by the British Nationality and Status of Aliens (in New Zealand) Act, 1928.

[2] 19 George V, 1928, No. 58.

British Nationality in New Zealand

Adoption of Part II of Imperial Act

3. Part II of the Imperial Act (the said Part being set out in the First Schedule hereto) is hereby adopted.

4.—(1) Regulations for the purposes of Part II of the Imperial Act, in its application to New Zealand, may be made by the Governor-General in Council in accordance with the provisions of section fourteen hereof. All other powers conferred on the Government of New Zealand by the said Part II shall be exercisable by the Minister of Internal Affairs.

(2) Any case which, by virtue of sections seven and eight of the Imperial Act in their application to New Zealand, may be referred for inquiry to a "superior Court" in New Zealand, may be so referred to the Supreme Court of New Zealand.

5. Any person who has been naturalized in New Zealand before the commencement of this Act may apply to the Minister of Internal Affairs for a certificate of naturalization under this Act, and the said Minister may grant to him a certificate on such terms and conditions as he may think fit.

Declaratory Statement as to other Provisions of Imperial Acts

6. The several provisions of the Imperial Acts set forth in the Second Schedule to this Act, in so far as the said provisions are capable of application in New Zealand, are hereby declared to be part of the law of New Zealand

Application of Act to Cook Islands and Western Samoa

7.—(1) Subject to the provisions of this section, this Act shall apply to the Cook Islands and to Western Samoa in the same manner in all respects as if those territories were for all purposes part of New Zealand; and the term "New Zealand" as used in this Act shall, both in New Zealand and in the said territories respectively, be construed accordingly as including the Cook Islands and Western Samoa.

(2) In the application of this Act to the Cook Islands and Western Samoa—

(a) The power to grant certificates of naturalization shall be vested in the Governor-General, and in the case of a person resident in the Cook Islands shall be exercised on the recommendation of the Minister for the Cook Islands, and in the case of a person resident in Western Samoa shall be exercised on the recommendation of the Minister of External Affairs:

(b) The oath of allegiance shall be taken before a Judge or Commissioner of the High Court of the Cook Islands, or a Judge or Commissioner of the High Court of Western Samoa, as the case may require, and every such Judge and Commissioner is hereby respectively authorized to administer the said oath accordingly:

(c) The powers conferred by section five of the Imperial Act, in its application to New Zealand, shall be vested in the Governor-General:
(d) The powers conferred by sections seven and seven-A of the Imperial Act, in its application to New Zealand, shall be exercised only by the Governor-General in Council.

8.—(1) Notwithstanding anything to the contrary in paragraph (b) of section two of the Imperial Act, in its application to New Zealand, it shall not be a condition precedent to the grant of a certificate of naturalization to any Samoan as defined in the Samoa Act, 1921, that he has an adequate knowledge of the English language.

(2) Where a certificate of naturalization is granted as aforesaid to any Samoan who has not an adequate knowledge of the English language, such certificate shall bear on the face thereof a statement that it has been granted under the special provisions of this section. A certificate so granted shall not confer or impose on the holder thereof the rights or obligations of a British subject elsewhere than in New Zealand.

Miscellaneous

9. The oath of allegiance which, by section two of the Imperial Act, in its application to New Zealand, is required to be taken by persons to whom certificates of naturalization are granted shall be taken before a Magistrate or Justice of the Peace, and every Magistrate and every Justice of the Peace is hereby authorized to administer the said oath to any person whose application for a certificate of naturalization has been approved by the Minister of Internal Affairs.

10. In exercise of the powers of the Legislature of New Zealand recognized by subsection one of section twenty-six of the Imperial Act, in its application to New Zealand, it is hereby expressly provided that—

(a) Nothing in the Imperial Acts or this Act shall in any manner repeal, limit, or affect the provisions of the Immigration Restriction Act, 1908:
(b) Nothing in the Imperial Acts or this Act shall in any manner repeal, limit, or affect the provisions of any Act heretofore passed, or that may hereafter be passed, relating to electoral rights and distinguishing between classes of British subjects in relation to such rights.

11.—(1) The Minister of Internal Affairs shall enrol for safe custody as of record a duplicate of all certificates of naturalization issued under this Act.

(2) The said Minister shall cause proper indexes to be made to certificates enrolled by him as aforesaid, and shall permit every person desirous of so doing to inspect the same and make copies thereof on payment of the fee of one shilling for every such inspection.

(3) Copies of certificates enrolled as aforesaid shall, if certified to be true copies by the said Minister, be admissible in evidence for all purposes.

(4) Such fees shall be charged for certified copies as the said Minister prescribes.

12. If any person for any of the purposes of this Act knowingly makes any false representation or any statement that is false in a material particular, he shall be liable on summary conviction in respect of each offence to imprisonment with or without hard labour for any term not exceeding three months.

Status of Aliens in New Zealand

Capacity to acquire Land

13. Notwithstanding the provisions of paragraph (1) of the proviso to section seventeen of the Imperial Act in the application of that section to New Zealand, real property in New Zealand of every description may be taken, acquired, held, and disposed of by an alien in the same manner in all respects as by a natural-born British subject, and a title thereto may be derived through, from, or in succession to an alien in the same manner in all respects as through, from, or in succession to a natural-born British subject.

Regulations

14. The Governor-General in Council may make regulations generally for carrying into effect the objects of this Act and in particular with respect to the following matters:—

(a) The form and registration of certificates of naturalization granted under this Act:
(b) The form and registration of declarations of alienage and declarations of resumption or retention of British nationality:
(c) The time within which the oath of allegiance is to be taken after the grant of a certificate of naturalization:
(d) The persons before whom declarations of alienage and declarations of resumption of British nationality may be made:
(e) Whether or not oaths of allegiance are to be subscribed as well as taken, and the form in which the taking and subscription are to be attested:
(f) The registration of oaths of allegiance:
(g) The person by whom certified copies of oaths of allegiance may be given; and the proof in any legal proceeding of any such oaths:
(h) The imposition and application of fees in respect of any registration authorized to be made by this Act; in respect of the making of any declaration or the grant of any certificate authorized to be made or granted by this Act; in respect of the administration or registration of any oath; and in respect of any other matter or thing authorized or required to be done pursuant to this Act.

Repeals

15.—(1) The British Nationality and Status of Aliens (in New Zealand) Act, 1923, and the British Nationality and Status of Aliens (in New Zealand) Amendment Act, 1924, are hereby repealed.

(2) Every certificate of naturalization in force in New Zealand at the commencement of this Act shall continue in force unless and until it is superseded by a certificate granted under section five hereof, or unless and until it is duly revoked by the Minister of Internal Affairs; and, while any such certificate continues in force, the holder thereof shall, in New Zealand but not elsewhere, continue to have to all intents and purposes the status of a natural-born British subject.

SCHEDULES

First Schedule

THE BRITISH NATIONALITY AND STATUS OF ALIENS ACT, 1914 (IMPERIAL), (AS AMENDED)

Part II.—Naturalization of Aliens

2.—(1) The Secretary of State may grant a certificate of naturalization to an alien who makes an application for the purpose, and satisfies the Secretary of State—

(a) That he has either resided in His Majesty's dominions for a period of not less than five years in the manner required by this section, or been in the service of the Crown for not less than five years within the last eight years before the application; and
(b) That he is of good character and has an adequate knowledge of the English language; and
(c) That he intends if his application is granted either to reside in His Majesty's dominions or to enter or continue in the service of the Crown.

(2) The residence required by this section is residence in the United Kingdom for not less than one year immediately preceding the application, and previous residence, either in the United Kingdom or in some other part of His Majesty's dominions, for a period of four years within the last eight years before the application.

(3) The grant of a certificate of naturalization to any such alien shall be in the absolute discretion of the Secretary of State, and he may, with or without assigning any reason, give or withhold the certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.

(4) A certificate of naturalization shall not take effect until the applicant has taken the oath of allegiance.

(5) In the case of a woman who was a British subject previously to her marriage to an alien, and whose husband has died or whose marriage has been dissolved, the requirements of this section as to residence shall not apply and the Secretary of State may in any other special case, if he thinks fit, grant a certificate of naturalization, although the four years' residence or five years' service has not been within the last eight years before the application.

(6) For the purposes of this section a period spent in the service of the Crown may, if the Secretary of State thinks fit, be treated as equivalent to a period of residence in the United Kingdom.

3. A person to whom a certificate of naturalization is granted by a Secretary of State shall, subject to the provisions of this Act, be entitled to all political and other rights, powers and privileges and be subject to all obligations, duties and liabilities, to which a natural-born British subject is entitled or subject, and, as from the date of his naturalization, have to all intents and purposes the status of a natural-born British subject.

4. The Secretary of State may in his absolute discretion, in such cases as he thinks fit, grant a special certificate of naturalization to any person with respect to whose nationality as a British subject a doubt exists, and he may specify in the certificate that the grant thereof is made for the purpose of quieting doubts as to the right of the person to be a British subject, and the grant of such a special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject.

5.—(1) Where an alien obtains a certificate of naturalization, the Secretary of State may, if he thinks fit, on the application of that alien, include in the certificate the name of any child of the alien born before the date of the certificate and being a minor, and that child shall thereupon, if not already a British subject, become a British subject; but any such child may, within one year after attaining his majority, make a declaration of alienage, and shall thereupon cease to be a British subject.

(2) The Secretary of State may, in his absolute discretion in any special case in which he thinks fit, grant a certificate of naturalization to any minor, whether or not the conditions required by this Act have been complied with.

(3) Except as provided by this Act, a certificate of naturalization shall not be granted to any person under disability.

6. An alien who has been naturalized before the passing of this Act may apply to the Secretary of State for a certificate of naturalization under this Act, and the Secretary of State may grant to him a certificate on such terms and conditions as he may think fit.

7.—(1) Where the Secretary of State is satisfied that a certificate of naturalization granted by him has been obtained by false representation or fraud, or by concealment of material circumstances, or that the person to whom the certificate is granted has shown himself by act or speech to be disaffected or disloyal to His Majesty, the Secretary of State shall by order revoke the certificate.

(2) Without prejudice to the foregoing provisions the Secretary of State shall by order revoke a certificate of naturalization granted by him in any case in which he is satisfied that the person to whom the certificate was granted either—

(a) Has during any war in which His Majesty is engaged unlawfully traded or communicated with the enemy or with the subject of an enemy State, or been engaged in or associated with any business which is to his knowledge carried on in such manner as to assist the enemy in such war; or

(b) Has within five years of the date of the grant of the certificate been sentenced by any Court in His Majesty's dominions to imprisonment for a term of not less than twelve months, or to a term of penal servitude, or to a fine of not less than one hundred pounds; or

(c) Was not of good character at the date of the grant of the certificate; or

(d) Has since the date of the grant of the certificate been for a period of not less than seven years ordinarily resident out of His Majesty's

dominions otherwise than as a representative of a British subject, firm, or company carrying on business, or an institution established, in His Majesty's dominions, or in the service of the Crown, and has not maintained substantial connection with His Majesty's dominions; or

(e) Remains according to the law of a State at war with His Majesty a subject of that State;

and that (in any case) the continuance of the certificate is not conducive to the public good.

(3) The Secretary of State may, if he thinks fit, before making an order under this section refer the case for such inquiry as is hereinafter specified, and in any case to which subsection (1), or paragraph (a), (c), or (e) of subsection (2) of this section applies, the Secretary of State shall, by notice given to or sent to the last known address of the holder of the certificate, give him an opportunity of claiming that the case be referred for such inquiry, and if the holder so claims in accordance with the notice the Secretary of State shall refer the case for inquiry accordingly.

(4) An inquiry under this section shall be held by a committee constituted for the purpose by the Secretary of State, presided over by a person (appointed by the Secretary of State with the approval of the Lord Chancellor) who holds or has held high judicial office, and shall be conducted in such manner as the Secretary of State may direct:

Provided that any such inquiry may, if the Secretary of State thinks fit, instead of being held as aforesaid be held by the High Court, and the practice and procedure on any inquiry so held shall be regulated by rules of Court.

A committee appointed under this section shall have all such powers, rights and privileges as are vested in the High Court or in any Judge thereof on the occasion of any action, in respect of the following matters:

(a) The enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise, and the issue of a commission or a request to examine witnesses abroad; and
(b) The compelling the production of documents; and
(c) The punishing persons guilty of contempt;

and a summons signed by one or more members of the committee may be substituted for and shall be quivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

(5) Where a person to whom a certificate of naturalization has been granted in some other part of His Majesty's dominions is resident in the United Kingdom, the certificate may be revoked in accordance with this section by the Secretary of State, with the concurrence of the Government of that part of His Majesty's dominions in which the certificate was granted.

(6) Where the Secretary of State revokes a certificate of naturalization, the revocation shall have effect from such date as the Secretary of State may direct, and thereupon the certificate shall be given up and cancelled, and any person refusing or neglecting to give up his certificate shall be liable on summary conviction to a fine not exceeding one hundred pounds.

7A.—(1) Where a certificate of naturalization is revoked the Secretary of State may by order direct that the wife and minor children (or any of them)

of the person whose certificate is revoked shall cease to be British subjects, and any such person shall thereupon become an alien; but except where the Secretary of State directs as aforesaid, the nationality of the wife and minor children of the person whose certificate is revoked shall not be affected by the revocation, and they shall remain British subjects:

Provided that—

(a) It shall be lawful for the wife of any such person within six months after the date of the order of revocation to make a declaration of alienage, and thereupon she and any minor children of her husband and herself shall cease to be British subjects and shall become aliens; and

(b) The Secretary of State shall not make any such order as aforesaid in the case of a wife who was at birth a British subject, unless he is satisfied that if she had held a certificate of naturalization in her own right the certificate could properly have been revoked under this Act, and the provisions of this Act as to referring cases for inquiry shall apply to the making of any such order as they apply to the revocation of a certificate.

(2) The provisions of this section shall, as respects persons affected thereby, have effect in substitution for any other provisions of this Act as to the effect upon the wife and children of any person where the person ceases to be a British subject, and such other provisions shall accordingly not apply in any such case.

(3) Where a certificate of naturalization is revoked the former holder thereof shall be regarded as an alien and as a subject of the State to which he belonged at the time the certificate was granted.

8.—(1) The Government of any British Possession shall have the same power to grant a certificate of naturalization as the Secretary of State has under this Act, and the provisions of this Act as to the grant and revocation of such a certificate shall apply accordingly, with the substitution of the Government of the Possession for the Secretary of State, and the Possession for the United Kingdom, and of a High Court or superior Court of the Possession for the High Court, and with the omission of any reference to the approval of the Lord Chancellor, and also, in a Possession where any language is recognized as on an equality with the English language, with the substitution of the English language or that language for the English language:

Provided that, in any British Possession other than British India and a Dominion specified in the First Schedule to this Act, the powers of the Government of the Possession under this section shall be exercised by the Governor or a person acting under his authority, but shall be subject in each case to the approval of the Secretary of State, and any certificate proposed to be granted and any proposal to revoke any certificate shall be submitted to him for his approval.

(2) Any certificate of naturalization granted under this section shall have the same effect as a certificate of naturalization granted by the Secretary of State under this Act.

9.—(1) This Part of this Act shall not, nor shall any certificate of naturalization granted thereunder, have effect within any of the Dominions specified

in the First Schedule to this Act, unless the Legislature of that Dominion adopts this Part of this Act.

(2) Where the Legislature of any such Dominion has adopted this Part of this Act, the Government of the Dominion shall have the like powers to make regulations with respect to certificates of naturalization and to oaths of allegiance as are conferred by this Act on the Secretary of State.

(3) The Legislature of any such Dominion which adopts this Part of this Act may provide how and by what Department of the Government the powers conferred by this Part of this Act on the Government of a British Possession are to be exercised.

(4) The Legislature of any such Dominion may at any time rescind the adoption of this Part of this Act, provided that no such rescission shall prejudicially affect any legal rights existing at the time of such rescission.

Second Schedule

PROVISIONS OF THE BRITISH NATIONALITY AND STATUS OF ALIENS ACT, 1914 (IMPERIAL), (AS AMENDED), IN THIS ACT DECLARED PART OF THE LAW OF NEW ZEALAND

Part I.—Natural-born British Subjects

1.—(1) The following persons shall be deemed to be natural-born British subjects namely:

(a) Any person born within His Majesty's Dominions and allegiance; and

(b) Any person born out of His Majesty's dominions whose father was, at the time of that person's birth, a British subject, and who fulfils any of the following conditions, that is to say, if either—

(i) His father was born within His Majesty's allegiance; or

(ii) His father was a person to whom a certificate of naturalization had been granted; or

(iii) His father had become a British subject by reason of any annexation of territory; or

(iv) His father was at the time of that person's birth in the service of the Crown; or

(v) His birth was registered at a British consulate within one year or in special circumstances, with the consent of the Secretary of State, two years after its occurrence, or, in the case of a person born on or after the first day of January, nineteen hundred and fifteen, who would have been a British subject if born before that date, within twelve months after the first day of August, nineteen hundred and twenty-two; and

(c) Any person born on board a British ship, whether in foreign territorial waters or not:

Provided that the child of a British subject, whether that child was born before or after the passing of this Act, shall be deemed to have been born within His Majesty's allegiance if born in a place where by treaty, capitulation, grant, usage, sufferance, or other lawful means, His Majesty exercises jurisdiction over British subjects:

Provided also that any person whose British nationality is conditional upon registration at a British consulate shall cease to be a British subject unless within one year after he attains the age of twenty-one, or within such extended period as may be authorized in special cases by regulations made under this Act—

(i) He asserts his British nationality by a declaration of retention of British nationality, registered in such manner as may be prescribed by regulations made under this Act; and

(ii) If he is a subject or citizen of a foreign country under the law of which he can, at the time of asserting his British nationality, divest himself of the nationality of that foreign country by making a declaration of alienage or otherwise, he divests himself of such nationality accordingly.

(2) A person born on board a foreign ship shall not be deemed to be a British subject by reason only that the ship was in British territorial waters at the time of his birth.

(3) Nothing in this section shall, except as otherwise expressly provided, affect the status of any person born before the commencement of this Act.

(4) The certificate of a Secretary of State that a person was at any date in the service of the Crown shall, for the purposes of this section, be conclusive.

. . . . .

Part III.—General

National Status of Married Woman and Infant Children

10. The wife of a British subject shall be deemed to be a British subject, and the wife of an alien shall be deemed to be an alien:

Provided that where a man ceases during the continuance of his marriage to be a British subject it shall be lawful for his wife to make a declaration that she desires to retain British nationality, and thereupon she shall be deemed to remain a British subject; and provided that where an alien is a subject of a State at war with His Majesty it shall be lawful for his wife if she was at birth a British subject to make a declaration that she desires to resume British nationality, and thereupon the Secretary of State, if he is satisfied that it is desirable that she be permitted to do so, may grant her a certificate of naturalization.

11. A woman who, having been a British subject, has by, or in consequence of, her marriage become an alien, shall not, by reason only of the death of her husband, or the dissolution of her marriage, cease to be an alien, and a woman who, having been an alien, has by, or in consequence of, her marriage become a British subject, shall not, by reason only of the death of her husband or the dissolution of her marriage, cease to be a British subject.

12.—(1) Where a person being a British subject ceases to be a British subject, whether by declaration of alienage or otherwise, every child of that person, being a minor, shall thereupon cease to be a British subject, unless such child, on that person ceasing to be a British subject, does not become by the law of any other country naturalized in that country:

Provided that, where a widow who is a British subject marries an alien, any child of hers by her former husband shall not, by reason only of her marriage, cease to be a British subject, whether he is residing outside His Majesty's dominions or not.

(2) Any child who has so ceased to be a British subject may, within one year after attaining his majority, make a declaration that he wishes to resume British nationality, and shall thereupon again become a British subject.

Loss of British Nationality

13. A British subject who, when in any foreign State and not under disability, by obtaining a certificate of naturalization, or by any other voluntary and formal act, becomes naturalized therein, shall thenceforth be deemed to have ceased to be a British subject.

14.—(1) Any person who by reason of his having been born within His Majesty's dominions and allegiance or on board a British ship is a natural-born British subject, but who at his birth or during his minority became under the law of any foreign State a subject also of that State, and is still such a subject, may, if of full age and not under disability, make a declaration of alienage, and on making the declaration shall cease to be a British subject.

(2) Any person who though born out of His Majesty's dominions is a natural-born British subject may, if of full age and not under disability, make a declaration of alienage, and on making the declaration shall cease to be a British subject.

15. Where His Majesty has entered into a convention with any foreign State to the effect that the subjects or citizens of that State to whom certificates of naturalization have been granted may divest themselves of their status as such subjects, it shall be lawful for His Majesty, by Order in Council, to declare that the convention has been entered into by His Majesty; and from and after the date of the Order any person having been originally a subject or citizen of the State therein referred to, who has been naturalized as a British subject, may, within the limit of time provided in the convention, make a declaration of alienage, and on his making the declaration he shall be regarded as an alien and as a subject of the State to which he originally belonged as aforesaid.

16. Where any British subject ceases to be a British subject he shall not thereby be discharged from any obligation, duty or liability in respect of any act done before he ceased to be a British subject.

Status of Aliens

17. Real and personal property of every description may be taken, acquired, held and disposed of by an alien in the same manner in all respects as by a natural-born British subject; and a title to real and personal property of every description may be derived through, from or in succession to an alien in the same manner in all respects as through, from or in succession to a natural-born British subject:

Provided that this section shall not operate so as to—

(1) Confer any right on an alien to hold real property situate out of the United Kingdom; or
(2) Qualify an alien for any office or for any municipal, parliamentary, or other franchise; or
(3) Qualify an alien to be the owner of a British ship; or
(4) Entitle an alien to any right or privilege as a British subject,

except such rights and privileges in respect of property as are hereby expressly given to him; or

(5) Affect any estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the twelfth day of May eighteen hundred and seventy, or in pursuance of any devolution by law on the death of any person dying before that day.

18. An alien shall be triable in the same manner as if he were a natural-born British subject.

Procedure and Evidence

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24. The oath of allegiance shall be in the form set out in the Second Schedule to this Act.

Supplemental

25. Nothing in this Act shall affect the grant of letters of denization by His Majesty.

. . . . . .

27.—(1) In this Act, unless the context otherwise requires,—

The expression "British subject" means a person who is a natural-born British subject, or a person to whom a certificate of naturalization has been granted, or a person who has become a subject of His Majesty by reason of any annexation of territory:

The expression "alien" means a person who is not a British subject:

The expression "certificate of naturalization" means a certificate of naturalization granted under this Act or under any Act repealed by this or any other Act:

The expression "disability" means the status of being a married woman, or a minor, lunatic, or idiot:

The expression "territorial waters" includes any port, harbour, or dock:

The expression "British consulate" means the office of any British Consular officer where a register of births is kept, and includes, in the case of any territory where there is no British Consulate and there is a British Resident or other representative of His Majesty, the office of such Resident or representative.

(2) Where in pursuance of this Act the name of a child is included in a certificate of naturalization granted to his parent, or where, in pursuance of any Act repealed by this Act, any child has been deemed to be a naturalized British subject by reason of residence with his parent, such child shall, for the purposes of this Act, be deemed to be a person to whom a certificate of naturalization has been granted.

. . . . . .

Second Schedule

OATH OF ALLEGIANCE

I, A.B., swear by Almighty God that I will be faithful and bear true allegiance to His Majesty, King George the Fifth, his heirs and successors, according to law.

. . . . . .

UNION OF SOUTH AFRICA[1]

BRITISH NATIONALITY IN THE UNION AND NATURALIZATION AND STATUS OF ALIENS ACT OF 1926[2]

CHAPTER I.—NATURAL-BORN BRITISH SUBJECTS

1. (1) The following persons shall in the Union be deemed to be natural-born British subjects, namely:

(a) Any person born within His Majesty's dominions and allegiance; and

(b) any person born out of His Majesty's dominions whose father was, at the date of that person's birth, a British subject, and who fulfils any of the following conditions, that is to say, if either—

(i) his father was born within His Majesty's allegiance; or

(ii) his father was a person to whom a certificate of naturalization had been granted; or

(iii) his father had become a British subject by reason of any annexation of territory; or

(iv) his father was, at the time of that person's birth in the service of the Crown; or

(v) his birth was registered at a British consulate within twelve months after its occurrence or within two years after its occurrence in any case where the registration was made with the consent referred to in paragraph (b) (v) of sub-section (1) of section *one* of the British Act, a copy of which paragraph is set out in the First Schedule to this Act; and

(c) any person born on board a British ship whether in foreign territorial waters or not:

Provided that the child of a British subject, whether that child was born before or after the commencement of this Act, shall in the Union be deemed to have been born within His Majesty's allegiance if born in a place where by treaty, capitulation, grant, usage, sufferance or other lawful means, His Majesty exercises jurisdiction over British subjects: Provided also that any person whose British nationality is conditional upon registration at a British consulate shall cease to be a British subject unless within one year after he attains the age of twenty-one, or within such extended period as may be authorized in special cases by regulations made under this Act—

[1]The Naturalization of Aliens Act of December 23, 1910 (Act No. 4 of 1910, Statutes of the Union of South Africa, 1910–1911, p. 103) repealed the naturalization laws which were in force in the provinces of the Cape of Good Hope (Cit. Bd. Report [1906] 408), Natal (id. 417), Transvaal and the Orange Free State (Schedule). This act, which provided for naturalization of a purely local character, together with Section 3 of the Financial Adjustments Act, 1921 (Act No. 38 of 1921, Statutes of the Union of South Africa, 1921, p. 252) was repealed by the British Nationality in the Union and Naturalization and Status of Aliens Act, 1926.

[2]Text from Statutes of the Union of South Africa, 1926, p. 136.

(i) he asserts his British nationality by a declaration of retention of British nationality registered in such manner as may be prescribed by regulations made under this Act; and

(ii) if he is a subject or citizen of a foreign country under the law of which he can, at the time of asserting his British nationality, divest himself of the nationality of that foreign country by making a declaration of alienage or otherwise, he divests himself of such nationality accordingly.

(2) A person born on board a foreign ship shall not in the Union be deemed to be a British subject by reason only that the ship was in British territorial waters at the time of his birth.

(3) Nothing in this section shall, except as otherwise expressly provided, affect the status of any person born before the commencement of this Act.

Chapter II.—Naturalization of Aliens

2. (1) The Minister may grant a certificate of naturalization to an alien who makes an application for the purpose and satisfies the Minister—

(a) that he has either resided in His Majesty's dominions for a period of not less than five years in the manner required by this section, or has been in the service of the Crown for not less than five years within the last eight years before the application; and

(b) that he is of good character and is able to read and write either of the official languages of the Union to the satisfaction of the Minister; and

(c) that he intends if his application is granted either to reside in His Majesty's dominions or to enter or continue in the service of the Crown.

(2) The residence required by this section is residence in the Union for not less than one year immediately preceding the application, and previous residence, either in the Union or in some other part of His Majesty's dominions, for a period of four years within the last eight years before the application.

(3) The grant of a certificate of naturalization to any such alien shall be in the absolute discretion of the Minister, and he may, with or without assigning any reason, give or withhold the certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.

(4) A certificate of naturalization shall not be issued until the applicant has taken the oath of allegiance and such oath shall be taken within the period and before one of such persons as is prescribed.

(5) In the case of a woman who was a British subject previously to her marriage to an alien, and whose husband has died or whose marriage has been dissolved, the requirements of this section as to residence shall not apply and the Minister may in any other special case, if he thinks fit, grant a certificate of naturalization, although the four years' residence or five years' service has not been within the last eight years before the application.

(6) For the purpose of this section a period spent in the service of the Crown may, if the Minister thinks fit, be treated as equivalent to a period of residence in the Union.

3. (1) Any person to whom a certificate of naturalization has been issued under a prior law, or who has been naturalized by virtue of a certificate of naturalization issued to his father or mother under any such law may apply to the Minister in the prescribed manner for a certificate of naturalization under this Act, and the Minister shall grant to him a certificate of naturalization which shall, for all purposes, have the same effect as a certificate of naturalization granted under the last preceding section.

(2) Any person to whom a certificate of naturalization has been issued under a prior law, or who has been naturalized by virtue of a certificate of naturalization issued to his father or mother under any such law and who does not apply for a certificate of naturalization under this Act, shall retain the rights and privileges conferred upon him by virtue of his naturalization under such prior law:

Provided that the Minister may, in his discretion, revoke a certificate of naturalization issued under a prior law in the case of a person who has since the date of the grant of the certificate been, for a period of not less than seven years, ordinarily resident out of His Majesty's dominions or the Mandated Territory of South-West Africa otherwise than as a representative of a British subject, firm or company carrying on business, or an institution established in His Majesty's dominions, or in the service of the Crown, and has not maintained a substantial connection with His Majesty's dominions. The procedure laid down in sub-sections (3), (4) and (5) of section *seven* of this Act shall be followed in all such cases of revocation.

4. (1) The Minister may, in his absolute discretion, in such cases as he thinks fit, grant a special certificate of naturalization to any person—

(a) with respect to whose nationality as a British subject a doubt exists, or

(b) who, not having been a British subject or a burgher of the late South African Republic or of the late Orange Free State Republic, served with the British or Republican Forces in the war of 1899–1902, and who after the thirty-first day of May, 1902, remained an alien under the existing laws, provided that for the five years immediately prior to the commencement of this Act he has been domiciled in the Union.

(2) The receipt of a special certificate in terms of paragraph (a) of sub-section (1) shall not be deemed to imply any admission that the person to whom it is granted was not previously a British subject.

5. (1) Where an alien obtains a certificate of naturalization, the Minister may, if he thinks fit, on the application of that alien, include in the certificate the name of any child of the alien born before the date of the certificate and

being under the age of twenty-one and that child shall thereupon, if not already a British subject, become a British subject; but any such child may, within one year after attaining the age of twenty-one, make a declaration of alienage, and shall thereupon cease to be a British subject.

(2) The Minister may, in his absolute discretion in any special case in which he thinks fit, grant a certificate of naturalization to any person under the age of twenty-one whether or not the conditions required by this Act have been complied with.

(3) Except as provided by this Act, a certificate of naturalization shall not be granted to any persons under disability.

6. A person to whom a certificate of naturalization under this Act is granted by the Minister shall, subject to the provision of this Act or any other law, be entitled to all political and other rights, powers and privileges, and be subject to all obligations, duties and liabilities to which a natural-born British subject is entitled or subject, and, as from the date of his naturalization, have to all intents and purposes the status of a natural-born British subject:

Provided that where, by any provision of any law a distinction is made between the rights, powers or privileges of natural-born British subjects and those of persons naturalized in the Union, the rights, powers and privileges conferred by this section shall, for the purposes of that provision, be only those (if any) to which persons so naturalized are therein expressed to be entitled.

7. (1) Any certificates of naturalization granted under this Act may by order be revoked by the Minister if the person to whom it was granted—

(a) is convicted—
  (i) of having obtained such certificate by any fraud or false representation, or of an offence under section *twenty-four;*
  (ii) of high treason, *crimen læsæ majestatis*, sedition or public violence;
  (iii) of having, during any war in which His Majesty is engaged, unlawfully traded or communicated with the enemy or with the subject of an enemy state, or been engaged in or associated with any business which is to his knowledge carried on in such manner as to assist the enemy in such war; or

(b) has, within five years of the date of the grant of the certificate, been sentenced by any court in His Majesty's dominions or in the Mandated Territory of South-West Africa to imprisonment for a term of not less than twelve months, or to a fine of not less than one hundred pounds; or

(c) has, since the date of the grant of the certificate, been for a period of not less than seven years ordinarily resident out of His Majesty's dominions or the Mandated Territory of South-West Africa otherwise than as a representative of a British subject, firm or

company carrying on business, or an institution established in His Majesty's dominions, or in the service of the Crown, and has not maintained substantial connection with His Majesty's dominions; or

(d) remains according to the law of a State at war with His Majesty a subject of that State.

(2) Where a person is naturalized by virtue of the grant of a certificate of naturalization under this Act to his father or mother, the provisions of this section shall apply to that person as if he were a person to whom a certificate of naturalization had been granted under this Act, and the Minister may, for the same reasons and subject to the same conditions as are provided in this section in relation to the revocation of a certificate of naturalization, by order declare that that person shall cease to be a British subject, and that person shall thereupon become an alien and any reference in this Act to the revocation of a certificate of naturalization shall, unless the contrary intention appears, be read as a reference to an order made in pursuance of this sub-section.

(3) The Minister may, if he thinks fit, before making an order under this section refer the case for such inquiry as is hereinafter specified, and in any case to which sub-section (2) of section *three* and paragraph (b), (c) or (d) of sub-section (1) of this section apply, the Minister shall, by notice given to or sent to the last known address of the holder of the certificate or naturalized person, give him an opportunity of claiming that the case be referred for such inquiry, and if the holder or naturalized person so claims in accordance with the notice the Minister shall refer the case for inquiry accordingly. At any such inquiry such holder or naturalized person may appear personally or by counsel or attorney on his behalf: Provided that no claim for such inquiry shall be allowed unless it is delivered to the Minister within six months of the date of the issue of the notice.

(4) An inquiry under this section shall be held by a committee of not more than three persons including the chairman, constituted for the purpose by the Minister, presided over by a person (appointed by the Minister) who is or has been a Judge of the Supreme Court and shall be conducted in such manner as the Minister may direct:

Provided that any such inquiry may, if the Minister thinks fit, instead of being held as aforesaid, be held by any provincial division of the Supreme Court of South Africa, and the practice and procedure on any inquiry so held shall be regulated by rules of court.

(5) A committee appointed under this section shall have all such powers, rights and privileges as are vested in the Supreme Court of South Africa, or in any judge thereof on the occasion of any action, in respect of the following matters:

(a) the enforcing the attendance of witnesses and examining them on

oath, and the issue of a commission or a request to examine witnesses abroad; and

(b) the compelling the production of documents; and

(c) the punishing persons guilty of contempt; and the summons signed by one or more members of the committee may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

(6) Where a person to whom a certificate of naturalization has been granted in some other part of His Majesty's dominions is resident in the Union, the certificate may be revoked in accordance with this section by the Minister, with the concurrence of the Government of that part of His Majesty's dominions in which the certificate was granted.

(7) Where the Minister revokes a certificate of naturalization, the revocation shall have effect from such date as the Minister may direct, and thereupon the certificate shall be given up and cancelled, and any person refusing or neglecting to give up his certificate shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds, or in default of payment to imprisonment with or without hard labour for a period not exceeding six months.

8. (1) Where a certificate of naturalization is revoked under sub-section (2) of section *three* or section *seven* the Minister may by order direct that the wife and minor children (or any of them) of the person whose certificate is revoked shall cease to be British subjects, and any such person shall thereupon become an alien; but except where the Minister directs as aforesaid, the nationality of the wife and minor children of the person whose certificate is revoked shall not be affected by the revocation, and they shall remain British subjects:

Provided that—

(a) it shall be lawful for the wife of any such person within six months after the date of the order of revocation to make a declaration of alienage, and thereupon she and any minor children of her husband and herself shall cease to be British subjects and shall become aliens; and

(b) the Minister shall not make any such order as aforesaid in the case of a wife who was at birth a British subject, unless he is satisfied that if she had held a certificate of naturalization in her own right the certificate could properly have been revoked under the last preceding section, and the provisions of that section as to referring cases for inquiry shall apply to the making of any such order as they apply to the revocation of a certificate.

(2) The provisions of this section shall, as regards persons affected thereby, have effect in substitution for any other provisions of this Act as to the effect upon the wife and children of any person where the person ceases

to be a British subject and such other provisions shall accordingly not apply in any such case.

(3) Where a certificate of naturalization is revoked the former holder thereof shall be regarded as an alien and a subject of the State to which he belonged at the time the certificate was granted.

9. A certificate of naturalization granted by the Secretary of State having charge of the administration of the British Act or by the Government of any British Possession shall, in the Union, have the same force and effect as a certificate of naturalization granted in pursuance of this Chapter.

10. The last preceding section shall not apply to certificates granted by the Government of any Dominion unless the Legislature of that Dominion adopts Part II of the British Act.

11. (1) Part II of the British Act, a copy of which Part is set out in the Second Schedule to this Act, is hereby adopted subject to the modifications and additions provided in this Chapter.

(2) Any power which, under Part II of the British Act, is exercisable by the Secretary of State, shall be vested in and exercisable by the Minister.

Chapter III.—General

National Status of Married Women and Minor Children

12. The wife of a British subject shall in the Union be deemed to be a British subject, and the wife of an alien shall in the Union be deemed to be an alien:

Provided that where a man ceases during the continuance of his marriage to be a British subject it shall be lawful for his wife to make a declaration that she desires to retain British nationality, and thereupon she shall in the Union be deemed to remain a British subject:

Provided further that where an alien is a subject of a state at war with His Majesty it shall be lawful for his wife if she was a British subject prior to her marriage to such alien to make a declaration that she desires to resume British nationality, and thereupon the Minister, if he is satisfied that it is desirable that she be permitted to do so, may grant her a certificate of naturalization, for any period which he may deem desirable, and at the termination thereof for an extension of that period if considered necessary.

13. A woman who, having been a British subject, has by or in consequence of her marriage become an alien, shall not, by reason only of the death of her husband or the dissolution of her marriage, cease to be an alien, and a woman who, having been an alien has by or in consequence of her marriage become a British subject, shall not, by reason only of the death of her husband or the dissolution of her marriage, cease to be a British subject.

14. (1) Where a person, being a British subject, ceases to be a British subject, whether by declaration of alienage or otherwise, every child of that per-

son, being under the age of twenty-one, shall thereupon cease to be a British subject, unless such child, on that person ceasing to be a British subject, does not become by the law of any other country naturalized in that country:

Provided that, where a widow who is a British subject marries an alien, any child of her by her former husband shall not, by reason only of her marriage, cease to be a British subject, whether he is residing outside His Majesty's dominions or not.

(2) Any child who has so ceased to be a British subject may within one year after attaining the age of twenty-one, make a declaration that he wishes to resume British nationality, and shall thereupon again become a British subject.

Loss of British Nationality

15. A British subject who, when in any foreign state and not under disability, by obtaining a certificate of naturalization or by any other voluntary and formal act, becomes naturalized therein, shall thenceforth in the Union be deemed to have ceased to be a British subject.

16. (1) Any person who by reason of his having been born within His Majesty's dominions and allegiance or on board a British ship is a natural-born British subject, but who at his birth or whilst under the age of twenty-one became under the law of any foreign state a subject also of that state, and is still such a subject may, if of the age of twenty-one years or over and not under any disability, make a declaration of alienage, and on making the declaration shall cease to be a British subject.

(2) Any person who though born out of His Majesty's dominions is a natural-born British subject may, if of the age of twenty-one years or over and not under disability, make a declaration of alienage, and on making the declaration shall cease to be a British subject.

17. Where His Majesty has entered into a convention with any foreign state to the effect that the subjects or citizens of that state to whom certificates of naturalization have been granted may divest themselves of their status as such subjects, and His Majesty, by Order in Council has declared that he has entered into such a convention, then from and after the date of such Order in Council any person having been originally a subject or citizen of the state therein referred to, who has been naturalized as a British subject may, within the limit of time provided in the convention, make a declaration of alienage, and on his making the declaration he shall in the Union be regarded as an alien and as a subject of the state to which he originally belonged as aforesaid.

18. Where any British subject ceases to be a British subject he shall not thereby be discharged from any obligation, duty or liability in respect of any act done before he ceased to be a British subject.

Chapter IV.—Miscellaneous Provisions

Procedure and Evidence

19. (1) Every applicant for naturalization shall—

(a) not less than one month before he makes application for naturalization to the Minister publish in the *Gazette* in both the official languages and in one English and one Dutch newspaper circulating in the district in which he resides a notice, in the prescribed form, of his intention to apply under this Act for a certificate of naturalization; and

(b) produce, in support of his application, proof that he has so published such notices together with a certificate signed by a magistrate, or justice of the peace, stating that the person so signing has satisfied himself from enquiries instituted by him that the applicant is of good character and repute and possesses the qualifications for naturalization prescribed by this Act;

(c) furnish such further evidence as the Minister may require of his service under the Crown or (as the case may be) of the period of residence prescribed in section *two* as a qualification for naturalization and of his intention to reside in the Union; and

(d) furnish such evidence as the Minister may require as to the name, sex, age and place of birth of each of his minor children (if any) who, at the time of his application, are

(i) resident with him in the Union;

(ii) not resident in the Union.

(2) Any person may, on payment of the prescribed fee, inspect any document produced under sub-section (1) of this section.

20. (1) Any person may make representations to the Minister with regard to any person who has applied or has advertised his intention to apply for naturalization.

(2) The representations shall be in the form of an affidavit.

(3) The contents of any affidavit filed with the Minister in pursuance of this section shall not be disclosed to any person other than for the purpose of legal proceedings for any false statement made in the affidavit.

21. Any affidavit made under this Act or under any prior law may be proved in any legal proceeding by the production of the original affidavit or of any copy thereof certified, as directed by the Minister, to be a true copy and the production of the affidavit or copy shall be evidence of the person therein named as deponent having made the affidavit at the date therein mentioned.

22. A certificate of naturalization may be proved in any legal proceeding by the production of the original certificate or of any copy thereof certified as directed by the Minister to be a true copy.

23. Entries in any register made in pursuance of this Act or under any prior law may be proved by such copies to be certified in such manner as may be directed by the Minister, and the copies of any such entries shall be

evidence of any matters, by this Act or by any Act hereby repealed or by any regulation of the Minister, authorized to be inserted in the register.

24. If any person for any of the purposes of this Act makes any false representation or any statement false in a material particular, knowing the same to be false, he shall be guilty of an offence and liable on conviction to the penalties prescribed by law for the crime of perjury.

25. The oath of allegiance to be taken under this Act shall be in the form set out in the Third Schedule thereto.

26. (1) Where the Minister is satisfied that any error has occurred in any certificate or letters of naturalization issued under this Act, or a prior law, he may rectify the error by amending the certificate or letters of naturalization.

(2) Any certificate or letters of naturalization amended in pursuance of this section shall as from the date of the amendment be and be taken to have been of effect as so amended.

Supplementary

27. (1) The Minister shall—

(a) enrol as of record the issue of all certificates of naturalization granted under this Act;
(b) cancel all certificates of naturalization which have been revoked and publish in the *Gazette* a list of such revocations with such details as may be prescribed;
(c) cause to be made indices of all the certificates of naturalization (whether granted under this Act or any prior law) and permit any person at all reasonable times to inspect the indices and to make copies of such certificates, on payment of the prescribed fee;
(d) in the months of January and July in every year, publish in the *Gazette* a return of all persons to whom certificates of naturalization have been granted during the preceding half-year, and in that return show, in respect of each person—
  (i) his name in full;
  (ii) his birthplace;
  (iii) his nationality prior to the grant of the certificate of naturalization;
  (iv) his occupation;
  (v) the date of the issue of the certificate of naturalization.

(2) A certificate attesting the fact of the issue of a certificate of naturalization to any person whose name is in the register may be issued as the Minister may direct and upon payment of the prescribed fees.

28. The Minister may make regulations generally in respect of matters which are necessary or convenient to be prescribed for carrying into effect the objects of this Act, and in particular with respect to the following matters:

(a) the forms to be used by an applicant when submitting his application for naturalization under this Act;

(b) the form and registration of certificates of naturalization granted under this Act;
(c) the form and registration of declarations of alienage and declarations of resumption or retention of British nationality;
(d) the persons by whom the oath of allegiance may be administered and the persons before whom declarations of alienage and declarations of resumption of British nationality may be made;
(e) the fees to be paid in respect of any application made or certificate granted or in respect of any declaration or inspection made or for any other purposes under this Act.

29. Any person of European descent born in the South African Republic between the 18th June, 1894 and the 1st September, 1900, whose father was not a burgher of that Republic by birth or naturalization, or whose father was not a British subject shall within the meaning of this Act be regarded as a British subject by birth unless—

(a) he has in the interim assumed some other nationality: or
(b) within six months of the commencement of this Act he makes a declaration of alienage.

30. (1) In this Act, unless inconsistent with the context—

"alien" means a person who is not a British subject;
"British consulate" means the office of any British consular officer where a register of births is kept, and includes, in the case of any territory where there is no British consulate and there is a British resident or other representative of His Majesty, the office of such resident or representative;
"British subject" means a person who is a natural-born British subject, or a person who is the holder of a certificate of naturalization or a person who has become a subject of His Majesty by reason of any annexation of territory, or otherwise has under this Act become a British subject;
"certificate of naturalization" means a certificate of naturalization granted under this Act or a prior law and being, at the time when it is relied upon in connection with any provision of this Act, unrevoked;
"disability" means the status of being a married woman; a minor or a mentally disordered or defective person;
"justice of the peace" means a justice of the peace in any part of the Union;[1]
"Minister" means the Minister of the Interior or any other Minister of State to whom the Governor-General may assign the administration of this Act;
"prior law" includes Act No. 4 of 1910 and any law at any time in force in any area now included within the Union relating to the naturalization of aliens;
"prescribed" means prescribed under this Act or by regulation;

[1] Amending Act No. 10 of 1927 adds: "whether or not such justice of the peace was appointed under section two of the Justices of the Peace and Oath Act, 1914." Statutes of the Union of South Africa, 1927, p. 86.

"regulation" means a regulation lawfully made and in force under this Act;
"territorial waters" includes any port, harbour or dock;
"The British Act" means the *British Nationality and Status of Aliens Act*, 1914 (4 & 5 Geo. 5, Ch. 17) of the United Kingdom, as amended by the *British Nationality and Status of Aliens Act*, 1918 (8 & 9 Geo. 5, Ch. 38) of the United Kingdom and the *British Nationality and Status of Aliens Act*, 1922 (12 & 13 Geo. 5, Ch. 44) of the United Kingdom;
"the Union" includes also, in addition to the limits of the Union of South Africa, the Mandated Territory of South-West Africa.

(2) Where in pursuance of this Act the name of a child is included in a certificate of naturalization granted to his parent, or where, in pursuance of any Act repealed by this Act or of any prior law any child has been deemed to be a naturalized British subject, by reason of residence with his parent, such child shall, for the purposes of this Act, be deemed to be a person to whom a certificate of naturalization has been granted.

31. The Naturalization of Aliens Act, 1910 (Act No. 4 of 1910) and section *three* of the Financial Adjustments Act, 1921, (Act No. 38 of 1921) are hereby repealed.

32. This Act may be cited as the British Nationality in the Union and Naturalization and Status of Aliens Act, 1926, and shall commence on the first day of July, 1926.

[The first Schedule reproduces paragraph (b) (v) of subsection (1) of section *one* of the British Nationality and Status of Aliens Act, 1914 (4 and 5 George 5, c. 17) of the United Kingdom as amended by the British Nationality and Status of Aliens Act, 1918 (8 and 9 George 5, c. 38) of the United Kingdom and the British Nationality and Status of Aliens Act, 1922 (12 and 13 George 5, c. 44) of the United Kingdom.

The second Schedule reproduces Part II of the British Nationality and Status of Aliens Act, 1914 (4 and 5 George 5, c. 17) as amended by the British Nationality and Status of Aliens Act, 1918 (8 and 9 George 5, c. 38).]

Third Schedule

"I, A. B., swear by Almighty God that I will be faithful and bear true allegiance to His Majesty, King George the Fifth, his heirs and successors, according to law."

ACT NO. 40, OF NOVEMBER 11, 1927[1]

Chapter I.—Nationals of the Union of South Africa

1. The following persons shall be Union nationals—

[1] Text from Statutes of the Union of South Africa, 1927–28, II, 2.

(a) a person born in any part of South Africa included in the Union who is not an alien or a prohibited immigrant under any law relating to immigration;

(b) a British subject whose entry into any part of South Africa included in the Union was in accordance with any law governing at the time of such entry the immigration of persons into that part of South Africa and who has for a period of at least two years thereafter been continuously domiciled in the Union so long as he retains that domicile;

(c) a person domiciled in the Union and not being a prohibited immigrant under any law relating to immigration who became a naturalized British subject under the laws of any part of South Africa included in the Union and who has for a period of at least three years after entry into that part of South Africa been continuously domiciled in the Union so long as he retains such domicile and does not become an alien;

(d) a person born outside any part of South Africa included in the Union whose father was a Union national at the time of such person's birth or would have been a Union national if this Act had at the time of such person's birth been in force, and was not in the service of an enemy state: Provided that nothing in this paragraph contained shall apply to any person who, if he enters or is found in the Union, would in terms of any law relating to immigration be a prohibited immigrant.

2. The wife of a Union national shall be deemed to be a Union national, and the wife of a person who is not a Union national shall not be deemed to be a Union national: Provided that where a man ceases during the continuance of his marriage to be a Union national it shall be lawful for his wife, if she has made a declaration in terms of the first proviso to section twelve of the British Nationality in the Union and Naturalization and Status of Aliens Act, 1926 (Act No. 18 of 1926), to make a further declaration that she desires to retain status as a Union national and thereupon she shall be deemed to remain a Union national: Provided further that such further declaration may be made before a magistrate, a justice of the peace or other person authorized by the Minister and shall be in the form prescribed by the Minister.

3. A woman who, having been a Union national, has by or in consequence of her marriage ceased to be a Union national, shall not by reason only of the death of her husband or the dissolution of her marriage become a Union national; and a woman who, not having been a Union national, has by or in consequence of her marriage become a Union national, shall not, by reason only of the death of her husband or the dissolution of her marriage, cease to be a Union national.

4.—(1) Where a person being a Union national ceases to be a Union national whether by declaration renouncing status as a Union national or otherwise, every child of that person, being under the age of twenty-one,

shall thereupon cease to be a Union national: Provided that where a widow who is a Union national marries a person who is not a Union national, any child of her by her former husband shall not, by reason only of her marriage, cease to be a Union national.

(2) Any child who has so ceased to be a Union national may, within one year after attaining the age of twenty-one, make a declaration that he wishes to resume status as a Union national and shall thereupon again become a Union national: Provided that such declaration may be made before a magistrate, a justice of the peace or other person authorized by the Minister and shall be in the form prescribed by the Minister.

5.—(1) Any person who, by reason of his having been born in any part of South Africa included in the Union is a Union national, but who at his birth or during his minority became under the law of the United Kingdom or of any possession of the British Empire, or of any self-governing dominion, a national also of that kingdom, possession or dominion, and is still such a national, and any person who though born outside that part of South Africa is a Union national, may, if of full age and not a mentally disordered or defective person and not domiciled in the Union, make a declaration renouncing his status as a Union national.

(2) Such declaration may be made before a magistrate, a justice of the peace or other person authorized by the Minister and shall be in the form prescribed by the Minister: Provided that if such person subsequently establishes a domicile in the Union the provisions of paragraph (b) of section one shall apply to him.

(3) The declarant shall transmit his declaration to the Minister, and upon the Minister being satisfied of the sufficiency of the declaration, and that it has been duly executed, the Minister shall cause it to be filed, whereupon the declarant shall cease to be a Union national and a certified copy of the declaration shall be forwarded to the declarant with an endorsement thereon that the original declaration has been filed.

(4) The Minister shall in the month of January in every year publish in the Gazette a return of all persons by whom such declarations have been made during the preceding calendar year and that return shall show in respect of each person—

(a) his name in full;
(b) his birthplace;
(c) his present address;
(d) his occupation;
(e) the date of the declaration; and
(f) whether he is a British subject by birth, annexation or naturalization.

6. The Minister shall cause a register to be made and kept of all declarations made under this Chapter.

IRISH FREE STATE

CONSTITUTION OF DECEMBER 6, 1922[1]

Article 3. Every person, without distinction of sex, domiciled in the area of the jurisdiction of the Irish Free State (Saorstat Eireann) at the time of the coming into operation of this Constitution who was born in Ireland or either of whose parents was born in Ireland or who has been ordinarily resident in the area of the jurisdiction of the Irish Free State (Saorstat Eireann) for not less than seven years, is a citizen of the Irish Free State (Saorstat Eireann) and shall within the limits of the jurisdiction of the Irish Free State (Saorstat Eireann) enjoy the privileges and be subject to the obligations of such citizenship: Provided that any such person being a citizen of another State may elect not to accept the citizenship hereby conferred; and the conditions governing the future acquisition and termination of citizenship in the Irish Free State (Saorstat Eireann) shall be determined by law.

[1] Text from *Selected Constitutions*, official publication of the Irish Provisional Government, 1922.

BRITISH INDIA[1]

ACT NO. 7, FEBRUARY 26, 1926 OF SUPREME COUNCIL IN INDIA[2]

Whereas it is expedient to consolidate and amend the law relating to the naturalization in British India of aliens resident therein; It is hereby enacted as follows:

1.—(1) This Act may be called the Indian Naturalization Act, 1926.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "British subject" means a British subject as defined in section 27 of the British Nationality and Status of Aliens Act, 1914;

(b) "certificate of naturalization" means a certificate of naturalization granted under this Act; and

(c) "minor" means any person subject to the Indian Majority Act, 1875, who has not attained his majority within the meaning of that Act, or any other person who has not attained the age of eighteen years.

3.—(1) The Local Government may grant a certificate of naturalization to any person who makes an application in this behalf and satisfies the Local Government—

(a) that he is not a minor;

(b) that he is neither a British subject nor a subject of any state in Europe or America or of any state of which an Indian British subject is prevented by or under any law from becoming a subject by naturalization;

(c) that he has, during a period of not less than five years immediately preceding the date of the application, either resided in British India or been in the service of the Crown under the Government;

(d) that he is of good character;

[1] The Indian Naturalization Act of July 16, 1852 (Act No. XXX of 1852; George F. Fagan, *Acts of the Legislative Council of India* (Calcutta, 1862), I, 916; Cit. Bd. Report [1906] 413) had been declared to be in force in the whole of British India, except as regards the Scheduled Districts (as to the extension of the Act to certain Scheduled Districts, see Cit. Bd. Report [1906] 413, notes), by the Laws Local Extent Act, 1874 (General Acts, Vol. II, Act No. XV of 1874). This Act, together with so much of the Indian Short Titles Act, 1897 (General Acts, Vol. IV, Act No. XIV of 1897) and of the Repealing and Amending Act, 1914 (General Act, Vol. VIII, Act No. X of 1914) as related to it, and together with the whole of the Indian Naturalization (Amendment) Act, 1919 (Act No. XVI of 1919, Collection of the Acts passed by the Governor General of India in Council in 1919, p. 59), were repealed by Law No. 7 of February 26, 1926, called the Indian Naturalization Act, 1926. The naturalization provided for in these acts was of a purely local character.

[2] Text from *The Gazette of India*, March 6, 1926. Received the assent of the Governor on February 26, 1926.

(e) that he has an adequate knowledge of a language which has been declared by the Local Government, by notification in the local official Gazette, to be a principal vernacular of the province; and
(f) that he intends, if the application is granted, to reside in British India or to enter or continue in the service of the Crown under the Government:

Provided that nothing in clause (c) or clause (f) shall apply in the case of a woman who was a British subject previously to her marriage to a person not a British subject and whose husband has died or whose marriage has been dissolved.

(2) Nothing in this section shall be deemed to prevent the grant of a certificate of naturalization to any person to whom a certificate of naturalization has been issued under the Indian Naturalization Act, 1852.

4.—(1) Every application for a certificate of naturalization shall be in writing and shall state, to the best of the knowledge and belief of the applicant—

(a) his age;
(b) his place of birth;
(c) his place of residence;
(d) his profession, trade, or occupation;
(e) full particulars regarding his qualifications in respect of the matters referred to in clauses (a) to (f) of sub-section (1) of section 3;
(f) whether he has at any time previously applied for the grant of a certificate of naturalization under the British Nationality and Status of Aliens Act, 1914, or the Indian Naturalization Act, 1852, or this Act;
(g) whether any such application has been rejected;
(h) whether any such certificate has been granted to him; and
(i) whether any such certificate granted to him has been revoked.

(2) Every such application shall be signed by the applicant and shall be accompanied by an affidavit sworn by him verifying that the statements contained therein are true to the best of his knowledge and belief.

(3) The Local Government shall satisfy itself as to the truth of the statements contained in the application, and for this purpose may cause to be made such further inquiry, if any, and may require such further evidence, if any, either by affidavit or otherwise, as it thinks necessary.

5.—(1) If the Local Government is satisfied that the applicant is qualified under section 3 for the grant of a certificate of naturalization and is otherwise a fit person for the grant of such certificate, it may grant a certificate reciting the qualifications of the applicant for such grant and conferring upon him all the rights, privileges and capacities of naturalization under this Act, except such rights, privileges or capacities, if any, as may specifically be withheld by the certificate.

(2) Any such certificate may, if the applicant so requests, include the name of any minor child of the applicant, not being by birth a British subject, who was born before the date of the certificate and is for the time being resident

in British India and under the control of the applicant; and shall grant to any child so included all the rights, privileges and capacities of naturalization under this Act, except such rights, privileges or capacities, if any, as may specifically be withheld by the certificate.

(3) The grant of a certificate of naturalization shall be in the absolute discretion of the Local Government, and no appeal shall lie from any refusal to grant any such certificate or to include in any such grant any particular right, privilege or capacity.

6. Every person to whom a certificate of naturalization has been granted shall, within thirty days from the date of the grant thereof, take and subscribe the following oath, namely:

"I, A. B., of . . . do hereby swear (*or* affirm) that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, His Heirs and Successors":

Provided that the Local Government may extend the time allowed under this section in any case in which it is satisfied that failure to take and subscribe the oath within that time was due to sufficient cause.

7.—(1) No certificate of naturalization shall have effect until the person to whom it is granted has taken and subscribed the oath prescribed by section 6, but upon the taking and subscribing of such oath such person, the wife of any such person, and any child of any such person who has been included in the certificate under sub-section (2) of section 5, shall, when in British India, be deemed to be British subjects and be entitled to all the rights, privileges and capacities of a British subject born within British India, except such rights, privileges or capacities, if any, as may have been withheld from them respectively by the certificate, and shall within British India be subject to all the obligations, duties and liabilities of a British subject.

(2) When the person to whom a certificate of naturalization has been granted has taken and subscribed the oath prescribed by section 6, any wife thereafter married by, and any child thereafter born to, such person shall, if she or he is not a British subject and if such person aforesaid at the date of the marriage or birth, as the case may be, retains any rights, privileges or capacities of a British subject under this Act, be entitled to the same rights, privileges and capacities, and be subject to the same obligations, duties and liabilities, to which such person aforesaid was at that date entitled and subject.

8.—(1) Where the Local Government of the province in which a person to whom a certificate of naturalization has been granted under this Act, or the Indian Naturalization Act, 1852, resides, or, in the case of any such person who is not for the time being resident in British India, the Local Government, by which such a certificate was granted to such person, is satisfied that the certificate was obtained by false representation or fraud or by concealment of material circumstances, or that the person to whom the certificate has been

granted has shown himself by act or speech to be disaffected or disloyal to His Majesty, the Local Government shall, by order in writing, revoke the certificate.

(2) Without prejudice to the foregoing provisions, such Local Government shall, by order in writing, revoke such a certificate of naturalization as aforesaid in any case in which it is satisfied that the person to whom the certificate was granted—

(a) has, during any war in which His Majesty is engaged, unlawfully traded or communicated with the enemy, or with a subject of an enemy state, or been engaged in, or associated with, any business which is to his knowledge carried on in such a manner as to assist the enemy in such war; or

(b) has, within five years of the date of the grant of the certificate, been sentenced by any Court in His Majesty's dominions to transportation or to penal servitude, or to imprisonment for a term of not less than twelve months, or to pay a fine of not less than one thousand rupees; or

(c) was not of good character at the date of the grant of the certificate; or

(d) has since the date of the grant of the certificate been, for a period of not less than seven years, ordinarily resident out of His Majesty's dominions otherwise than as a representative of a British subject, firm or company carrying on business, or of an institution established, in His Majesty's dominions, or in the service of the Crown, and has not maintained substantial connection with His Majesty's dominions; or

(e) remains, according to the law of a state at war with His Majesty, a subject of that state;

and that the continuance of the certificate is not conducive to the public good.

(3) Nothing in this section shall be deemed to authorize the revocation by one Local Government of a certificate granted by another Local Government without the concurrence of that other Local Government, or, if that Local Government refuses to concur, of the Governor General in Council.

(4) The Local Government may, if it thinks fit, before making an order under this section, refer the case for such inquiry as is hereinafter specified, and, in any case to which sub-section (1) or clause (a), clause (c) or clause (e) of sub-section (2) applies, the Local Government shall, by notice given to, or sent by post to the last known address of, the holder of the certificate, give him an opportunity of claiming that the case be referred for such inquiry, and, if the holder so claims in accordance with the notice, the Local Government shall refer the case for inquiry accordingly.

(5) An inquiry under this section shall be held by such person or persons and in such manner as the Local Government may direct in each case.

(6) Where a certificate is revoked under this section, the revocation shall have effect from such date as may be directed by the Local Government, and thereupon the certificate shall be given up and cancelled; and any person who, without reasonable cause the burden of proving which shall lie upon

him, fails to give up his certificate within one month from the aforesaid date, shall be punishable with fine which may extend to one thousand rupees.

(7) For the purposes of this section, any person who has acquired any of the rights, privileges or capacities of naturalization under sub-section (2) of section 5 or sub-section (2) of section 7 by reason of the grant to his parent of a certificate of naturalization, may, after he has attained majority, be deemed to be a person to whom a certificate of naturalization has been granted.

9.—(1) Where a certificate is revoked under section 8, the former holder thereof shall cease to be deemed to be a British subject.

(2) On such revocation, the Local Government may, by order in writing, direct that the wife and minor children (or any of them) of the person whose certificate is revoked shall cease to be deemed to be British subjects; but, where no such direction is made, the status of the wife and minor children of the person whose certificate is revoked shall not be affected by the revocation:

Provided that, in the case of a wife who was at birth a British subject, no such order as aforesaid shall be made unless the Local Government is satisfied that, if she had held a certificate of naturalization in her own right, the certificate could properly have been revoked under section 8, and the provisions of that section as to referring cases for inquiry shall apply to the making of any such order as they apply to the revocation of a certificate.

10.—(1) A declaration of alienage in such manner as may be prescribed by rules made under this Act may be made—

(a) within one year of his attaining majority, by any child who has acquired any of the rights, privileges or capacities of naturalization under sub-section (2) of section 5 or sub-section (2) of section 7; or

(b) within six months from the date of the revocation of a certificate under section 8, or of the death of, or of the dissolution of her marriage with, the holder of any such certificate as is therein referred to, by the wife of the person whose certificate has been revoked, or who has died, or whose marriage to her has been dissolved, as the case may be.

(2) Where a declaration of alienage has been made in the manner aforesaid, the person making the same, and the wife of any such person, and any children of any such person who are minors and are not by birth British subjects, shall cease to be deemed to be British subjects.

11. Every person making an inquiry under the orders of a Local Government under sub-section (3) of section 4, and every person appointed to hold an inquiry under sub-section (5) of section 8, shall be deemed to be a public servant within the meaning of the Indian Penal Code, and shall for the purposes of such inquiry have the same powers as are vested in a Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters:

(i) enforcing the attendance of any person and examining him on oath;
(ii) compelling the production of documents and material objects; and
(iii) issuing commissions for the examination of witnesses;

and every such inquiry shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

12.—(1) All oaths and affidavits for the purposes of this Act shall be sworn before a Magistrate or such other person as may be appointed in this behalf by the Local Government.

(2) The Magistrate or other person by whom an oath of allegiance is administered under section 6 shall grant to the person making the same a certificate in writing of his having taken and subscribed such oath and of the date of his taking and subscribing the same, and shall forward to the Local Government the oath so taken and subscribed together with a copy of such certificate.

13.—(1) The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, make rules to give effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:

(a) the form or forms in which certificates of naturalization shall be granted, and the manner in which they shall be recorded;
(b) the manner in which declarations of alienage shall be made and recorded;
(c) the recording of oaths of allegiance; and
(d) the fees which may be imposed for the issue of any certificate, whether of naturalization or otherwise, granted under this Act.

14. Nothing contained in this Act shall be deemed to entitle to any of the rights, privileges or capacities of a British subject the child of any person who is himself so entitled by reason only of the inclusion of his name in a certificate of naturalization under sub-section (2) of section 5 or of the grant of a certificate of naturalization to his parent.

15. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof.

The Schedule

ENACTMENTS REPEALED

(See section 15)

Year	No.	Short title	Extent of repeal
1852	XXX	The Indian Naturalization Act, 1852	So much as has not been repealed
1897	XIV	The Indian Short Titles Act, 1897	So much of the Schedule as relates to the Indian Naturalization Act, 1852
1914	X	The Repealing and Amending Act, 1914	So much of the Second Schedule as relates to the Indian Naturalization Act, 1852
1919	XVI	The Indian Naturalization (Amendment) Act, 1919	The whole

NEWFOUNDLAND[1]

OF THE NATURALIZATION OF ALIENS

CONSOLIDATED STATUTES, THIRD SERIES (1916), CHAPTER 78[2]

SECTION

1.—Certain persons to be deemed natural born British subjects.
2.—The Colonial Secretary may grant certificates of naturalization to aliens in certain cases.
3.—A person to whom certificate is granted shall enjoy status of natural born subject.
4.—Respecting special certificate in cases of doubt.
5.—Respecting the inclusion of a child in a certificate.
6.—Respecting the grant of a certificate under this Act to one already naturalized.
7.—Respecting the revocation of certificates.
8.—Powers of Secretary of State and Governments of British Possessions.
9.—Application of section 8 of this Act.
10.—Status of wife.
11.—Effect of marriage on women who are aliens or British subjects.
12.—Respecting children of persons ceasing to be British subjects.

SECTION

13.—Respecting loss of nationality by voluntary act.
14.—Respecting declaration of alienage.
15.—Respecting declarations of alienage under conventions.
16.—Obligations to continue notwithstanding loss of nationality.
17.—Real and personal property may be held and disposed of by aliens.
18.—Respecting trial of aliens.
19.—Governor in Council may make regulations for certain purposes.
20.—Respecting the evidence of declarations.
21.—Respecting proof of certificates.
22.—Respecting proof of entries in registers.
23.—Penalty for false statement.
24.—Oath of allegiance.
25.—Respecting letters of denization.
26.—Interpretation section.
First Schedule.
Second Schedule.

PART I.—NATURAL-BORN BRITISH SUBJECTS

1.—(1) The following persons shall be deemed to be natural-born British subjects, namely:

(a) Any person born within His Majesty's dominions and allegiance; and

(b) Any person born out of His Majesty's dominions whose father was a British subject at the time of that person's birth, and either was born within His Majesty's allegiance or was a person to whom a certificate of naturalization had been granted; and

(c) Any person born on board a British ship whether in foreign territorial waters or not.

Provided that the child of a British subject, whether that child was born before or after the passing of this Chapter, shall be deemed to have been born within His Majesty's allegiance if born in a place where by treaty, capitulation, grant, usage, sufferance, or other lawful means, His Majesty exercises jurisdiction over British subjects.

(2) A person born on board a foreign ship will not be deemed to be a British subject by reason only that the ship was in British territorial waters at the time of his birth.

(3) Nothing in this section shall, except as otherwise expressly provided, affect the status of any person born before the commencement of this Chapter.

[1] Chapter 145 of the Consolidated Statutes of Newfoundland (Second Series, 1892), which provided for naturalization of a purely local character, was superseded by Chapter 78 of the Consolidated Statutes (Third Series, 1916), as amended by the Nationality and Status of Aliens Act, 1929, post.

[2] Cf. Act of 1929, post, p. 144.

Part II.—Naturalization of Aliens

2.—(1) The Colonial Secretary of this Colony may grant a certificate of naturalization to an alien who makes an application for the purpose and satisfies the Colonial Secretary:

(a) That he either had resided in His Majesty's dominions for a period of not less than five years in the manner required by this section, or had been in the service of the Crown for not less than five years within the last eight years before the application; and
(b) That he is of good character and has an adequate knowledge of the English language; and
(c) That he intends, if his application is granted, either to reside in His Majesty's dominions or to enter or continue in the service of the Crown.

(2) The residence required by this section is residence in this Colony for not less than one year immediately preceding the application, and previous residence, either in this Colony or in some other part of His Majesty's dominions, for a period of four years within the last eight years before the application.

(3) The grant of a certificate of naturalization to any such alien shall be in the absolute discretion of the Colonial Secretary and he may, with or without assigning any reason, give or withhold the certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.

(4) A certificate of naturalization shall not take effect until the applicant has taken the oath of allegiance.

(5) In the case of a woman who was a British subject previously to her marriage to an alien, and whose husband has died or whose marriage has been dissolved, the requirements of this section as to residence shall not apply and the Colonial Secretary may in any other special case, if he thinks fit, grant a certificate of naturalization, although the four years residence or five years service has not been within the last eight years before the application.

3. A person to whom a certificate of naturalization is granted by the Colonial Secretary shall, subject to the provisions of this Chapter, be entitled to all political and other rights, powers and privileges, and be subject to all obligations, duties and liabilities to which a natural born British subject is entitled or subject, and, as from the date of his naturalization, have to all intents and purposes the status of a natural-born British subject.

4. The Colonial Secretary may, in his absolute discretion, in such cases as he thinks fit, grant a special certificate of naturalization to any person with respect to whose nationality as a British subject a doubt exists, and he may specify in the certificate that the grant thereof is made for the purpose of quieting doubts as to the right of the person to be a British subject, and the grant of such a special certificate shall not be deemed to be any ad-

mission that the person to whom it was granted was not previously a British subject.

5.—(1) Where an alien obtains a certificate of naturalization, the Colonial Secretary may, if he thinks fit, on the application of that alien, include in the certificate the name of any child of the alien born before the date of the certificate and being a minor, and that child shall thereupon, if not already a British subject, become a British subject; but any such child may, within one year after attaining his majority, make declaration of alienage, and shall thereupon cease to be a British subject.

(2) The Colonial Secretary may, in his absolute discretion in any special case in which he thinks fit, grant a certificate of naturalization to any minor, although the conditions required by this Chapter have not been complied with.

(3) Except as provided by this section, a certificate of naturalization shall not be granted to any person under disability.

6. An alien who has been naturalized before the passing of this Chapter may apply to the Colonial Secretary for a certificate of naturalization under this Chapter, and the Colonial Secretary may grant to him a certificate on such terms and conditions as he may think fit.

7.—(1) Where it appears to the Colonial Secretary that a certificate of naturalization granted by him has been obtained by false representations or fraud, the Colonial Secretary may by order revoke the certificate, and the order of revocation shall have effect from such date as the Colonial Secretary may direct.

(2) Where the Colonial Secretary revokes a certificate of naturalization, he may order the certificate to be given up and cancelled, and any person refusing or neglecting to give up the certificate, shall be liable on summary conviction to a fine not exceeding five hundred dollars.

8.—(1) The Secretary of State and the Government of any British Possession shall have the power to grant a certificate of naturalization under or pursuant to the provisions of the British Nationality and Status of Aliens Act, 1914, as the Colonial Secretary has under this Chapter, and the provisions of this Chapter as to the grant and revocation of such a certificate shall apply accordingly with the substitution of the Secretary of State or the Government of the Possession for the Colonial Secretary, and the United Kingdom or the Possession for this Colony, and also, in a Possession where any language is recognized as on an equality with the English language, of that language for the English language.

(2) Any certificate of naturalization granted under this section shall have the same effect as a certificate of naturalization granted by the Colonial Secretary.

9. Section 8 of this Chapter shall not apply to any of the Dominions specified in the First Schedule to this Chapter, unless the Legislature of that

Dominion adopts Part II of the British Nationality and Status of Aliens Act, 1914, which is hereby formally declared to be adopted by this Colony.

Part III.—General

National Status of Married Women and Infant Children

10. The wife of a British subject shall be deemed to be a British subject, and the wife of an alien shall be deemed to be an alien; provided that where a man ceases during the continuance of his marriage to be a British subject it shall be lawful for his wife to make a declaration that she desires to retain British nationality, and thereupon she shall be deemed to remain a British subject.

11. A woman who, having been a British subject has, by or in consequence of her marriage, become an alien, shall not, by reason only of the death of her husband, or the dissolution of her marriage, cease to be an alien, and a woman who, having been an alien, has by or in consequence of her marriage become a British subject, and not by reason only of the death of her husband, or the dissolution of her marriage, cease to be a British subject.

12.—(1) Where a person, being a British subject, ceases to be a British subject, whether by declaration of alienage or otherwise, every child of that person, being a minor, shall thereupon cease to be a British subject, unless such child of that person ceasing to be a British subject does not become by the law of any other country naturalized in that country; provided that, where a widow who is a British subject marries an alien, any child of hers by her former husband shall not, by reason only of her marriage, cease to be a British subject, whether he is residing outside His Majesty's dominions or not.

(2) Any child who has so ceased to be a British subject may, within one year after attaining his majority, make a declaration that he wishes to resume British nationality, and shall thereupon again become a British subject.

Loss of British Nationality

13. A British subject who, when in any foreign State and not under disability, by obtaining a certificate of naturalization, or by any other voluntary and formal act, becomes naturalized therein, shall thenceforth be deemed to have ceased to be a British subject.

14.—(1) Any person who, by reason of having been born within His Majesty's dominions and allegiance, or on board a British ship, is a natural-born British subject, but who at his birth or during his minority became under the law of any foreign State a subject also of that State, and is still such a subject, may, if of full age and not under disability, make a declaration of alienage, and on making the declaration, shall cease to be a British subject.

(2) Any person who, though born out of His Majesty's dominions, is a natural-born British subject, may, if of full age and not under disability,

make a declaration of alienage, and on making the declaration shall cease to be a British subject.

15. Where His Majesty has entered into a convention with any foreign State to the effect that the subjects or citizens of that State to whom certificates of naturalization have been granted may divest themselves of their status as such subjects, it shall be lawful for His Majesty, by Order in Council, to declare that the convention has been entered into by His Majesty; and from and after the date of the Order any person having been originally a subject or citizen of the State therein referred to, who has been naturalized as a British subject, may, within the limit of time provided in the convention, make a declaration of alienage, and on making the declaration he shall be regarded as an alien and as a subject of the State to which he originally belonged as aforesaid.

16. Where any British subject ceases to be a British subject he shall not thereby be discharged from any obligation, duty or liability in respect of any act done before he ceased to be a British subject.

Status of Aliens

17. Real and personal property of every description may be taken, acquired, held and disposed of by an alien in the same manner in all respects as by a natural-born British subject; and a title to real and personal property of every description may be derived through, from or in succession to any alien in the same manner in all respects as though from or in succession to a natural-born British subject:

Provided that this section shall not operate so as to—

(1) Qualify an alien for any office or for any municipal, parliamentary, or other franchise; or
(2) Qualify an alien to be the owner of a British ship; or
(3) Entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly given to him; or
(4) Affect any estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the ninth day of May, eighteen hundred and eighty-one, or in pursuance of any devolution by law on the death of any person dying before that day.

18. An alien shall be triable in the same manner as if he were a natural-born British subject.

Procedure and Evidence

19.—(1) The Governor in Council may make regulations generally for carrying into effect the objects of this Chapter, and in particular with respect to the following matters:

(a) The form and registration of certificates of naturalization granted by the Colonial Secretary;

(b) The form and registration of declarations of alienage and declarations of resumption or retention of British nationality;

(c) The time within which the oath of allegiance is to be taken after the grant of a certificate of naturalization.

(d) The persons by whom the oath of allegiance may be administered, and the persons before whom declarations of alienage and declarations of resumption of British nationality may be made;

(e) Whether or not oaths of allegiance are to be subscribed as well as taken, and the form in which the taking and subscriptions are to be attested;

(f) The registration of oaths of allegiance;

(g) The persons by whom certified copies of oaths of allegiance may be given; and the proof in any legal proceeding of any such oaths;

(h) The imposition and application of fees in respect of any registration, declaration or certificate hereunder.

(2) Any regulations made by the Governor in Council under this Chapter shall have the same force as if herein enacted.

20. Any declaration made under this Chapter may be proved in any legal proceeding by the production of the original declaration or of any copy thereof certified to be a true copy by the Colonial Secretary, or by any person authorized by him in that behalf, and the production of the declaration or copy shall be evidence of the person therein named as declarant having made the declaration at the date therein mentioned.

21. A certificate of naturalization issued under this Chapter or under the British Nationality and Status of Aliens Act, 1914, or under any Act or law passed by or in force in any British possession, in which Part II of the said British Nationality and Status of Aliens Act, 1914, has been adopted or is in force, may be proved in any legal proceeding by the production of the original certificate or of any copy thereof, certified to be a true copy by the officer or person authorized to issue such naturalization certificates, or by any person authorized by him in that behalf.

22. Entries in any register made in pursuance of this Chapter may be proved by such copies and certified in such manner as may be directed by the Colonial Secretary, and the copies of any such entries shall be evidence of any matters, by this Chapter or by any regulation of the Governor in Council authorized to be inserted in the register.

23. If any person for any of the purposes of this Chapter knowingly makes any false representation or any statement false in a material particular, he shall be liable on summary conviction in respect of each offence to imprisonment with or without hard labor for any term not exceeding three months.

24. The oath of allegiance shall be in the form set out in the second Schedule to this Chapter.

Supplemental

25. Nothing in this Chapter shall affect the grant of letters of denization by His Majesty.

26.—(1) In this Chapter, unless the context otherwise requires:

The expression "British subject" means a person who is a natural-born British subject, or a person to whom a certificate of naturalization has been granted.

The expression "alien" means a person who is not a British subject.

The expression "certificate of naturalization" means a certificate of naturalization granted under this Chapter or under any Act repealed by this Chapter or by any other Act.

The expression "disability" means the status of being a married woman, or a minor, lunatic, or idiot.

The expression "territorial waters" includes any port, harbor, or dock.

The expression "Secretary of State" means one of His Majesty's principal Secretaries of State for the time being.

The expression "British Possession" shall mean any part of His Majesty's dominions exclusive of the United Kingdom, and, when parts of such Dominion are under both a central and a local legislature, all parts under the central Legislature shall, for the purposes of this definition, be deemed to be one British possession.

(2) Where, in pursuance of this Chapter, the name of a child is included in a certificate of naturalization granted to his parent, such child shall, for the purpose of this Chapter, be deemed to be a person to whom a certificate of naturalization has been granted.

First Schedule

List of Dominions

The Dominion of Canada.

The Commonwealth of Australia (including for the purposes of this Chapter the territory of Papua and Norfolk Island).

The Dominion of New Zealand.

The Union of South Africa.

Second Schedule

Oath of Allegiance

"I, A. B., swear by Almighty God that I will be faithful and bear true allegiance to His Majesty George the Fifth, His Heirs and Successors, according to law."

THE BRITISH NATIONALITY AND STATUS OF ALIENS ACT, 1929 [1]

AN ACT TO AMEND CHAPTER 78 OF THE CONSOLIDATED STATUTES, THIRD SERIES, ENTITLED "OF THE NATURALIZATION OF ALIENS"

I.—(1) Paragraph (b) of sub-section (1) of Section 1 of Chapter 78 of the Consolidated Statutes (Third Series) entitled "Of the Naturalization of Aliens" is hereby repealed and the following substituted therefor:

(b) Any person born out of His Majesty's dominions whose father was, at the time of that person's birth, a British subject, and who fulfills any of the following conditions, that is to say, if either—

(1) his father was born within His Majesty's allegiance; or
(2) his father was a person to whom a certificate of naturalization had been granted; or
(3) his father had become a British subject by reason of any annexation of territory; or
(4) his father was at the time of that person's birth in the service of the Crown; or
(5) his birth was registered at a British Consulate within one year or in special circumstances with the consent of the Secretary of State, two years after its occurrence, or, in the case of a person born on or after the first day of January, nineteen hundred and fifteen, who would have been a British subject if born before that date, within twelve months after the first day of August, nineteen hundred and twenty-two.

(2) The following shall be inserted at the end of sub-section (1):

Provided also that any person whose British nationality is conditional upon registration at a British Consulate shall cease to be a British subject unless within one year after he attains the age of twenty-one, or within such extended period as may be authorized in special cases by regulations made under the (Imperial) Acts on this subject:

(1) he asserts his British Nationality by a declaration of retention of British nationality, registered in such manner as may be prescribed by regulations made under the said (Imperial) Acts; and
(2) If he is a subject or citizen of a foreign country under the law of which he can, at the time of asserting his British nationality, divest himself of the nationality of that foreign country by making a declaration of alienage or otherwise, he divests himself of such nationality accordingly.

(3) The following shall be added as sub-section (4) of Section 1:

(4) The Certificate of a Secretary of State or a corresponding Officer of any British Dominion to which this Chapter relates that the person

[1] Text from enclosure with the despatch of August 1, 1929, from the American Consul at St. John's to the Secretary of State.

was at any date in the service of the Crown shall, for the purposes of this Section, be conclusive.

II. At the end of Section 2 of said Chapter shall be inserted the following as Sub-section (6):

(6) For the purposes of this Section a period spent in the service of the Crown may, if the Colonial Secretary thinks fit, be treated as equivalent to a period of residence in Newfoundland.

III. Sub-section (2) of Section 5 of the said Chapter is hereby amended by substituting for the word "although" the words "whether or not" and by omitting the word "not", and sub-section (3) of the same section is hereby amended by striking out the word "section" and substituting the word "chapter".

IV. Section 7 of the said Chapter is hereby repealed and the following Sections substituted therefor:

7.—(1) Where the Colonial Secretary is satisfied that a certificate of naturalization granted by him has been obtained by false representations or fraud, or by concealment of material circumstances, or that the person to whom the certificate is granted has shown himself by Act or Speech to be disaffected or disloyal to His Majesty, the Colonial Secretary shall by order revoke the certificate.

(2) Without prejudice to the foregoing provisions the Colonial Secretary shall by order revoke a certificate of naturalization granted by him in any case in which he is satisfied that the person to whom the certificate was granted either—

(a) has during any war in which His Majesty is engaged unlawfully traded or communicated with the enemy or with the subject of an enemy state or been engaged in or associated with any business which is to his knowledge carried on in such manner as to assist the enemy in such war; or

(b) has within five years of the date of the grant of the Certificate been sentenced by any court of His Majesty's dominions to imprisonment for a term of not less than twelve months, or to a term of penal servitude, or to a fine of not less than five hundred dollars; or

(c) was not of good character at the date of the grant of the Certificate; or

(d) has since the date of the grant of the certificate been for a period of not less than seven years ordinarily resident out of His Majesty's dominions otherwise than as a representative of a British subject, firm or company carrying on business, or an institution established in His Majesty's dominions, or in the service of the Crown, and has not maintained substantial connection with His Majesty's dominions; or

(e) remains according to the law of a state at war with His Majesty a subject of that state;

and that (in any case) the continuance of the Certificate is not conducive to the public good.

(3) The Colonial Secretary may, if he thinks fit, before making an order under this Section refer the case for such inquiry as is hereinafter specified, and in any case to which sub-section (1) or paragraph (a), (c), or (e) of sub-section (2) of this Section applies, the Colonial Secretary shall, by notice given to or sent to the last known address of the holder of the Certificate, give him an opportunity of claiming that the case be referred for such inquiry, and if the holder so claims in accordance with the notice the Colonial Secretary shall refer the case for inquiry accordingly.

(4) An inquiry under this section shall be held by a Committee constituted for the purpose by the Colonial Secretary, presided over by a Barrister of not less than ten years' standing, and shall be conducted in such manner as the Colonial Secretary may direct; Provided that any such inquiry may, if the Colonial Secretary thinks fit, instead of being held as aforesaid, be held by the Supreme Court, and the practice and procedure on any inquiry so held shall be regulated by rules of Court.

A Committee appointed under this Section shall have all such powers, rights and privileges as are vested in the High Court or in any Judge thereof of the occasion of any action, in respect of the following matters:

(a) the enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise, and the issue of a Commission or a request to examine witnesses abroad; and

(b) the compelling the production of documents; and

(c) the punishing persons guilty of contempt; and a summons signed by one or more members of the Committee may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

(5) Where a person to whom a certificate of naturalization has been granted in some other part of His Majesty's dominions is resident in Newfoundland, the certificate may be revoked in accordance with this Section by the Colonial Secretary, with the concurrence of the Government in that part of His Majesty's dominions in which the Certificate was granted.

(6) Where the Colonial Secretary revokes a Certificate of Naturalization, the revocation shall have effect from such date as the Colonial Secretary may direct, and thereupon the Certificate shall be given up and canceled, and any person refusing or neglecting to give up his Certificate shall be liable on summary conviction to a fine not exceeding five hundred dollars.

7A.—(1) Where a Certificate of Naturalization is revoked the Colonial Secretary may by order direct that the wife and minor children (or any of them) of the person whose Certificate is revoked shall cease to be British subjects, and any such person shall thereupon become an alien; but except where the Colonial Secretary directs as aforesaid, the nationality of the wife and minor children of the person whose certificate is revoked shall not be affected by the revocation, and they shall remain British subjects: Provided that—

(a) It shall be lawful for the wife of any such person within six months after the date of the order of revocation to make a declaration of alienage, and thereupon she and any minor children of her husband and herself shall cease to be British subjects and shall become aliens; and

(b) the Colonial Secretary shall not make any such order as aforesaid in the case of a wife who was at birth a British subject, unless he is satisfied that if she had held a Certificate of Naturalization in her own right the Certificate could properly have been revoked under this Act, and the provisions of this Act as to referring calls for inquiry shall apply to the making of any such order as they apply to the revocation of a certificate.

(2) The provisions of this Section shall, as respects persons affected thereby, have effect in substitution for any other provisions of this Act as to the effect upon the wife and children of any person where the person ceases to be a British subject and such other provisions shall accordingly not apply in any such case.

(3) Where a Certificate of Naturalization is revoked the former holder thereof shall be regarded as an alien and as a subject of the State to which he belonged at the time the Certificate was granted.

V. Section 10 of the said Chapter is hereby amended by adding at the end of the Section the words "and provided that where an alien is a subject of a State at war with His Majesty, it shall be lawful for his wife if she was at birth a British subject to make a declaration that she wishes to resume British nationality, and thereupon the Colonial Secretary, if he is satisfied that it is desirable that she be permitted to do so, may grant her a Certificate of Naturalization."

VI. Sub-section (1) of Section 26 is hereby amended by adding at the end of the definition of a British subject after the words "has been granted" the words "or a person who has become a Subject of His Majesty by reason of any annexation of territory." The said Section is further amended by striking out Section 2 and substituting the following:

(2) Where in pursuance of this Act the name of a child is included in a Certificate of Naturalization granted to his parent, or where, in pursuance of any Act repealed by this Act, any child has been deemed to be a Naturalized British Subject by reason of residence with his parent, such child shall, for the purpose of this Act, be deemed to be a person to whom a Certificate of Naturalization has been granted.

VII. Every enactment and word which is directed by this Act to be substituted for or added to any portion of the said Chapter 78, shall form part of that Chapter in the places assigned to it by this Act, and the said Chapter; and any enactment referring thereto shall after the commencement of this Act be construed as if that enactment or word had been originally enacted in the said Chapter in the place so assigned and where it is sub-

stituted for another enactment or word as being so enacted in lieu of that enactment or word; and the expression "this Chapter" or "this Act" in the said Chapter and this Act shall be construed accordingly.

VIII.—(1) This Act may be cited as "The British Nationality and Status of Aliens Act, 1929", and the said Chapter 78 and this Act may be cited together as "The British Nationality and Status of Aliens Act, 1916–1929".

HONGKONG

ORDINANCE NO. 44 OF 1902

AS AMENDED BY ORDINANCE NO. 50 OF 1911 AND NOS. 1 AND 8 OF 1912, RELATING TO THE NATURALIZATION OF ALIENS[1]

1. This Ordinance may be cited as the Naturalization Ordinance, 1902.

2. Any alien who has continuously resided in Hongkong or been in the service of the Crown for a term of not less than 5 years immediately preceding his application, and who intends if naturalized to reside permanently in Hongkong, may apply to the Governor for a certificate of naturalization as a British subject in Hongkong.

3. The applicant shall adduce in support of his application such evidence of his residence or service, and intention to reside, as the Governor may require; and the Governor may, on consideration of the evidence adduced, grant or withhold a certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.

4. Every such certificate shall contain the condition that the grantee shall continue to reside permanently in Hongkong and that the certificate shall be determinable on the grantee ceasing so to reside. No certificate of naturalization shall be issued or take effect until the applicant has taken the oath of allegiance.

5. Any alien who has been naturalized previously to the passing of this Ordinance may apply to the Governor for a certificate of naturalization under this Ordinance, and it shall be lawful for the Governor to grant such certificate upon the same terms and subject to the same conditions in and upon which such certificate might have been granted if such alien had not been previously naturalized in Hongkong.

6. Any alien to whom a certificate of naturalization is granted shall while in Hongkong be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, to which a natural-born British subject is entitled or subject in Hongkong.

7. The Governor may revoke any certificate of naturalization which may have been granted to any alien if he shall be satisfied that such certificate was obtained by misrepresentation; and thereupon such certificate of naturalization shall become null and void. A notification of the revocation of any certificate of naturalization shall be published in the Gazette.

[1] From *The Ordinances of Hongkong, 1844–1923*, edited by Arthur Dyer Ball, III, 1441.
While this ordinance was not canceled by the British Nationality and Status of Aliens Act, 1914, no grants have been made of local naturalization under it since the Act went into effect. (Despatch of December 6, 1924, from the American Consul General at Hongkong to the Secretary of State.)

8. There shall be paid for every certificate of naturalization and before the issue thereof such fee as the Governor-in-Council may direct.

9. [s. 9, rep. No. 1 of 1912.]

10.—(1) An alien on naturalization shall take the oath of allegiance in the form provided in the Promissory Oaths Ordinance, 1869, and the same shall be tendered by the Clerk of the Councils in the presence of the Colonial Secretary.

(2) If an alien who has applied for a certificate of naturalization declines or neglects to take the oath of allegiance when duly tendered, he shall be disqualified from obtaining the said certificate, and if the same has already been granted, it shall become ipso facto void.

(3) Section 15 of the Promissory Oaths Ordinance, 1869, shall apply to the oath required to be taken by this section [Law Revision Ordinance, 1924].

[Schedule concerning form of certificate of naturalization omitted.]

PALESTINE

Mandated Territory[1, 2]

ORDER OF JULY 24, 1925[3]

Part I

1.—(1) Turkish subjects habitually resident in the territory of Palestine upon the 1st day of August, 1925, shall become Palestinian citizens.

(2) Any person over eighteen years of age who by virtue of this Article becomes a Palestinian citizen may within a period of two years from the 6th day of August, 1924, by declaration made as hereinafter provided state his option for Turkish nationality and subject to the provisions of this Article shall cease to be a Palestinian citizen:

Provided that such person shall not for the purposes of this Order be deemed to have ceased to be a Palestinian citizen unless and until he has obtained a certificate from such officer as may be prescribed by Regulation under this Order that he has transferred his place of residence from Palestine.

(3) Any person over eighteen years of age who by virtue of clause (1) of this Article becomes a Palestinian citizen and differs in race from the majority of the population of Palestine may in the like manner and subject to the same conditions opt for the nationality of one of the States in which the majority of the population is of the same race as the person exercising the right to opt subject to the consent of that State and he shall thereupon cease to be a Palestinian citizen.

2. Persons of over eighteen years of age who were born within Palestine and acquired on birth or subsequently and still possess Turkish nationality and on the 1st day of August 1925 are habitually resident abroad, may acquire Palestinian citizenship by opting in such manner as may be prescribed by Regulation under this Order, subject to the consent of the Government of Palestine which may be granted or withheld in its absolute discretion:

Provided that without prejudice to the foregoing provisions the consent of the Government of Palestine may be refused unless an agreement on the

[1] Administered by Great Britain. [2] See note 10, ante, p. 59.

[3] Text from Official Gazette of the Government of Palestine, No. 147, September 16, 1925.

The preamble to this order reads as follows:

Whereas by treaty, capitulation, grant, usage, sufferance and other lawful means His Majesty has power and jurisdiction within Palestine:

And Whereas it is desirable to regulate the grant and acquisition of Palestinian citizenship.

Now Therefore, His Majesty by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890, or otherwise, in His Majesty vested, is pleased by and with the advice of His Privy Council, to order, and it is hereby ordered as follows:

subject has been concluded between the said Government and the Government of the country where the person concerned is resident and shall be refused if the person desiring to opt possesses another nationality in addition to Turkish nationality. This right of option must be exercised within two years of the coming into force of this Order.

Part II

3. Subject to the provisions of Part I of this Order the following persons shall be deemed to be Palestinian citizens:

(a) Any person born in lawful matrimony within Palestine whose father at the time of such person's birth was a Palestinian citizen.

(b) Any person born in lawful matrimony out of Palestine whose father was a Palestinian citizen at the time of that person's birth and was either born within Palestine or had obtained a certificate of naturalisation, or who had acquired Palestinian citizenship under Article 1 or Article 5 of this Order.

(c) Any person born whether in or out of lawful matrimony within Palestine who does not by his birth or by subsequent legitimation acquire the nationality of any other State or whose nationality is unknown.

4.—(1) Any person over 18 years of age, who, within two years from the date at which this Order comes into force, by declaration made as hereinafter provided states his desire to become a Palestinian citizen and satisfies the authority before whom the declaration is made that he fulfils the following conditions, namely:

(a) That the declarant was born within Palestine and acquired on birth or subsequently and still possesses Turkish nationality: and

(b) That the declarant shall have been resident within Palestine for not less than six months immediately prior to the date of making such declaration: and

(c) That the declarant has not, while resident in any country other than Palestine acquired any foreign nationality may, subject to the approval of the High Commissioner acquire Palestinian citizenship,

and the High Commissioner may grant to such a person a certificate of Palestinian citizenship.

(2) A person by whom a declaration has been made, and to whom a certificate of Palestine citizenship has been granted, in accordance with the provisions of this Article shall be deemed to be a Palestinian citizen from the date of such certificate.

5.—(1) Persons who have made a declaration of their intention to opt for Palestinian citizenship in accordance with Article 2 of the Palestine Legislative Council Election Order, 1922, and have received provisional certificates of Palestinian citizenship and have, since declaring their intention to opt for Palestinian citizenship, been ordinarily resident in Palestine shall be

deemed to have made a declaration under Article 4 of this Order and shall, subject to the approval of the High Commissioner, be deemed to be entitled to acquire Palestinian citizenship under that Article, and the High Commissioner may grant to such persons certificates of Palestinian citizenship.

(2) A person by whom a declaration has been made, and to whom a certificate of Palestine citizenship has been granted, in accordance with the provisions of this Article shall be deemed to be a Palestinian citizen from the date of such certificate.

6. For the purpose of Parts I and II of this Order the status of a married woman will be governed by that of her husband and the status of children who have not attained the age of majority by that of their parents.

Part III

7.—(1) The High Commissioner may grant a certificate of naturalisation as a Palestinian citizen to any person who makes application therefor and who satisfies him:

(a) That he has resided in Palestine for a period not less than two years out of the three years immediately preceding the date of his application.
(b) That he is of good character and has an adequate knowledge of either the English, the Arabic or the Hebrew language.
(c) That he intends, if his application is granted, to reside in Palestine.

(2) A certificate of naturalisation shall not take effect until the applicant has taken the oath of allegiance in the form stated in the Schedule to this Order:

Provided that any person authorised to make a solemn affirmation or declaration instead of taking an oath may make such affirmation or declaration in lieu of such oath.

(3) The grant of a certificate of naturalisation shall be in the absolute discretion of the High Commissioner, who may with or without assigning any reason give or withhold the certificate as he thinks most conducive to the public good; and no appeal shall lie from his decision.

(4) In the case of a woman who was a Palestinian citizen previously to her marriage to an alien and whose husband has died or whose marriage has been dissolved, the requirements as to residence prescribed in clause (1) (a) of this Article shall not apply.

(5) The High Commissioner may in any special case, if he thinks fit, grant a certificate of naturalisation, although the two years' residence has not been within the last three years immediately preceding the date of the application.

8. A person to whom a certificate of naturalisation is granted by the High Commissioner shall, subject to the provisions of this Order, be entitled to all political and other rights, powers and privileges and be subject to all obliga-

tions, duties and liabilities to which a Palestinian citizen is entitled or subject.

9.—(1) Any child under the age of majority of a person applying for a certificate of naturalisation may with the approval of the High Commissioner be included by name in the certificate of naturalisation granted to his parent and shall thereupon become a Palestinian citizen:

Provided that any such child may within twelve months after attaining his majority make a declaration of alienage and shall thereupon cease to be a Palestinian citizen.

(2) The High Commissioner may in any special case grant a certificate of naturalisation to any minor whether or not the conditions required by this Order have been complied with.

(3) Except as otherwise provided in this Order a certificate of naturalisation shall not be granted to any person under disability.

10.—(1) Where it appears to the High Commissioner that a certificate of naturalisation granted by him has been obtained by false representation or fraud or by concealment of material circumstances, or that the person to whom the certificate is granted has, since the grant, been for a period of not less than 3 years ordinarily resident out of Palestine, or has shown himself by act or speech disaffected, or disloyal to the Government of Palestine, the High Commissioner may subject to the approval of one of His Majesty's Principal Secretaries of State by order revoke the certificate, and the order of revocation shall have effect from such date as the High Commissioner may direct.

(2) The High Commissioner may for the like reasons and subject to the like approval annul a declaration of acquisition or retention of Palestinian citizenship made under the provisions of this Order, and the effect of such annulment shall be the same as that provided by Article II of this Order in the case of the revocation of a certificate of naturalisation.

(3) Where the High Commissioner revokes a certificate of naturalisation or annuls a declaration he may order the certificate of naturalisation or any documentary evidence of the acceptance of the declaration to be given up and cancelled and any person refusing or neglecting to give up the certificate or documents shall be liable on conviction to a fine not exceeding one hundred Egyptian pounds.

11.—(1) Where a certificate of naturalisation is revoked the High Commissioner may by order direct that the wife and minor children (or any of them) of the person whose certificate is revoked shall cease to be Palestinian citizens, and any such person shall thereupon become an alien; but except when the High Commissioner directs as aforesaid, the nationality of the wife and minor children of the person whose certificate is revoked shall not be affected by the revocation, and they shall remain Palestinian citizens:

Provided that:

(a) it shall be lawful for the wife of any such person within six months after the date of the order of revocation to make a declaration of alienage, and thereupon she and any minor children of her husband and herself shall cease to be Palestinian citizens, and shall become aliens; and

(b) the High Commissioner shall not make any such order as aforesaid in the case of a wife who was at birth a Palestinian citizen, unless he is satisfied that if she had held a certificate of naturalisation in her own right the certificate could properly have been revoked under this order.

(2) The provisions of this Article shall as respects persons affected thereby, have effect in substitution for any other provisions of this Order as to the effect upon the wife and children of any person where the person ceases to be a Palestinian citizen and such other provisions shall accordingly not apply in any such case.

(3) Where a certificate of naturalisation is revoked the former holder thereof shall be regarded as an alien and as a subject of the State to which he belonged at the time the certificate was granted.

Part IV

12.—(1) The wife of a Palestinian citizen shall be deemed to be a Palestinian citizen and the wife of an alien shall be deemed to be an alien:

Provided that where a man ceases during the continuance of his marriage to be a Palestinian citizen save in the case provided for by Article 11 of this Order it shall be lawful for his wife to make a declaration as hereinafter provided that she desires to retain the status of Palestinian citizen and thereupon she shall be deemed to remain a Palestinian citizen.

(2) Where the wife of an alien who was a Palestinian citizen previously to her marriage is living apart from her husband in such circumstances that the separation may, in the opinion of the High Commissioner be presumed to be permanent, the High Commissioner may, if he thinks fit, grant her a certificate of naturalisation as if the marriage has been dissolved.

13. A woman who, having been a Palestinian citizen has by, or in consequence of, her marriage become an alien, shall not by reason only of the death of her husband, or the dissolution of her marriage, cease to be an alien, and a woman, who, having been an alien has by, or in consequence of, her marriage become a Palestinian citizen, shall not by reason only of the death of her husband or the dissolution of her marriage cease to be a Palestinian citizen.

14.—(1) Where a person ceases to be a Palestinian citizen, whether by declaration of alienage or otherwise, save in the case provided for by Article 11 of this Order, every child of that person being a minor shall thereupon cease to be a Palestinian citizen, if such child has already obtained or obtains

on its parent ceasing to be a Palestinian citizen, the nationality of some other country:

Provided that, where a widow who is a Palestinian citizen marries an alien, any child of hers by her former husband shall not, by reason only of her marriage, cease to be a Palestinian citizen, whether he is residing outside Palestine or not.

(2) Any child who has so ceased to be a Palestinian citizen may, within one year after attaining his majority, make a declaration that he wishes to resume the status of Palestinian citizen, and shall thereupon become a Palestinian citizen from the date of such declaration.

15. A Palestinian citizen who, when in any foreign State and not under disability, by obtaining a certificate of naturalisation or by any other voluntary and formal act, becomes naturalised therein shall thenceforth be deemed to have ceased to be a Palestinian citizen.

16. Any person who after the coming into force of this Order has by birth become a Palestinian citizen but who at his birth or during his minority became under the law of any other State a national of that State and is still such a national may if of full age and not under disability make a declaration of alienage and on making such declaration shall cease to be a Palestinian citizen.

17. Where any Palestinian citizen ceases to be a Palestinian citizen he shall not thereby be discharged from any obligation, duty or liability in respect of any act done before he ceased to be a Palestinian citizen.

18. A declaration of alienage or of acquisition, resumption or retention of Palestinian citizenship shall be made in Palestine before such officer as may be prescribed by Regulation under this Order or outside Palestine before an officer in the diplomatic or consular service of Great Britain.

19. The High Commissioner may make regulations generally for carrying into effect the objects of the Order and in particular with respect to the following matters:

(a) The form and registration of certificates of naturalisation granted by the High Commissioner.
(b) The form and registration of declarations of option for Turkish nationality or of alienage and declarations of acquisition, resumption or retention of Palestinian citizenship.
(c) The fees to be paid in respect of any declaration or grant under this Order.

20. Where in pursuance of this Order the name of a child is included in a declaration of acquisition of Palestinian citizenship or in a certificate of naturalisation, such child shall for the purpose of this Order be deemed to be a person who has acquired by declaration Palestinian citizenship or to whom a certificate of naturalisation has been granted as the case may be.

21. For the purpose of this Order:

(1) The expression "Palestine" includes the territories to which the mandate for Palestine applies, except such parts of the territory comprised in Palestine to the East of the Jordan and the Dead Sea as were defined by Order of the High Commissioner dated the 1st September, 1922.
(2) The expression "Palestinian citizen" means a person who is by birth or becomes by naturalisation or otherwise a Palestinian citizen.
(3) The expression "Alien" means a person who is not a Palestinian citizen.
(4) The expression "disability" means the status of being a married woman or a minor, lunatic or idiot, or otherwise legally incompetent.
(5) The age of majority shall be taken to be 18 years calculated according to the Gregorian calendar.

22. If any person for any of the purposes of this Order knowingly makes any false representation or any statement false in a material particular, he shall, in Palestine, be liable on conviction in respect of such offence to imprisonment with or without hard labour for any term not exceeding three months.

23. The powers of the High Commissioner under this Order, other than those conferred by Articles 10 and 24 which shall be exercisable by the High Commissioner alone, may be exercised by the High Commissioner or a person acting under his authority. The term "High Commissioner" shall include every person for the time being administering the Government of Palestine.

24. The High Commissioner may by Proclamation in the Gazette at any time within two years from the date of the commencement of this Order and subject to his obtaining the previous approval of a Secretary of State vary, annul or add to any of the provisions of this Order in order to carry out the purposes of the same and may provide for any other matters necessary in order to carry into effect the provisions thereof.

25. His Majesty, His Heirs and Successors in Council, may at any time revoke, alter or amend this Order.

26. This Order shall come into force on the 1st day of August 1925.

27. This Order shall be known as the Palestinian Citizenship Order 1925.

M. P. A. HANKEY.

SCHEDULE

OATH OF ALLEGIANCE

"I, A. B., Swear by Almighty God that I will be Faithful and Loyal to the Government of Palestine."

SOUTHWEST AFRICA

Mandated Territory[1, 2]

ACT NO. 30 OF 1924[3]

CONCERNING THE NATURALIZATION OF ALIENS IN THE MANDATED TERRITORY OF SOUTHWEST AFRICA AND OTHER MATTERS INCIDENTAL THERETO

Whereas it is expedient to make provision for the naturalization of aliens in the mandated territory of South-West Africa (hereinafter called the Territory), to confer British nationality upon certain subjects of the late enemy powers domiciled therein, and to provide for certain other incidental matters:

Be it enacted by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:

1.[4] From and after the commencement of this Act the Naturalization of Aliens Act, 1910 (Act No. 4 of 1910), shall be of force and effect within the Territory, and for the purposes of the application thereto of the said Act the Territory shall be deemed to form part of the Union.

2.—(1) Notwithstanding anything contained in the Naturalization of Aliens Act, 1910, as so applied to the Territory, every adult European who, being a subject of any of the late enemy powers, was on the first day of January, 1924, or at any time thereafter before the commencement of this Act, domiciled in the Territory shall, at the expiry of six months after the commencement of this Act, be deemed to have become a British subject naturalized under the said Act of 1910, unless within that six months he signs a declaration that he is not desirous of becoming so naturalized. Such declaration shall be in a form prescribed by the Administrator of the Territory and shall be signed before a magistrate within the Territory or if such adult is absent therefrom, before a person specially approved by the Administrator.

(2) Every person naturalized as aforesaid shall, except as is otherwise provided by law, be entitled to all the rights, powers and privileges and be subject to all the obligations to which a British subject is entitled or subject, within the Union and the Territory.

(3) As soon as possible after the expiry of the said six months, lists shall be compiled, in accordance with the instructions of the Administrator, of those persons who have become naturalized under this section. Every such list, when complete, shall be published in the Gazette and in the Official Gazette of the Territory and shall, as so published, be conclusive evidence that the person whose name appears therein is a British subject naturalized under this section:

[1] Administered by the Union of South Africa. [2] See note 10, ante, p. 59.
[3] Statutes of the Union of South Africa, 1924, p. 124.
[4] This section was repealed by section 3 of the Act of 1928, post, p. 160.

Provided that if the Administrator is satisfied that a person's name has been included in, or excluded from, any such list owing to error or that such person was unable to make the declaration aforesaid within the prescribed period and his name has been included in any such list the Administrator may cause the necessary alteration to be made therein.

3. No person by whom a declaration has been signed under section two shall be deemed to have surrendered any right or privilege which, immediately prior to his signing it, he possessed within the Territory, as an alien, in respect of the acquisition or holding of any professional or trading licence, or the carrying on of any trade, business or occupation, nor shall he in any such respect be deemed to have suffered any other prejudice, but his rights, powers, privileges, obligations, duties and liabilities shall remain those of any other alien under the law for the time being.

4. This Act may be cited for all purposes as the South-West Africa Naturalization of Aliens Act, 1924.

ACT NO. 27, OF JUNE 7, 1928[1]

TO EXTEND AND AMEND THE LAW RELATING TO THE NATURALIZATION OF ALIENS IN THE MANDATED TERRITORY OF SOUTH WEST AFRICA

Be it enacted by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:

1. Every person who was, on the fifteenth day of September, 1924—

(a) under twenty-one years of age; and
(b) domiciled in the mandated territory of South West Africa; and
(c) The child of a person who is deemed to have become a British subject by virtue of section two of the South West Africa Naturalization of Aliens Act, 1924 (Act No. 30 of 1924): or
(i) the legitimate child of a father; or
(ii) the illegitimate child of a mother who died prior to the said day as a subject of a power which was at war with Great Britain in the year 1918,

and who was prior to the commencement of this Act not deemed to have become a British subject by virtue of the South West Africa Naturalization of Aliens Act, 1924, and of subsection (2) of section ten of the Naturalization of Aliens Act, 1910 (Act No. 4 of 1910), shall notwithstanding the repeal of the last mentioned Act be deemed to have become, on the sixteenth day of March, 1925, a British subject naturalized under that Act, to whom the provisions of sub-section (2) of section two of the South West Africa Naturalization of Aliens Act, 1924, shall apply:

Provided that if such first mentioned person was on the fifteenth day of September, 1924, not resident in the said territory or the Union, he may,

[1] Text from Statutes of the Union of South Africa, 1927–28, II, 420.

within one year as from the date upon which he shall have attained the age of twenty-one years or within one year as from the date upon which he shall have taken up his residence in the said territory or in the Union, or within one year as from the commencement of this Act, whichever is the later, make a declaration of alienage in manner provided by the British Nationality in the Union and Naturalization and Status of Aliens Act, 1926 (Act No. 18 of 1926), and shall thereupon cease to be a British subject:

Provided further, that if such person was on the sixteenth day of March, 1925, and at the commencement of this Act not resident in the said territory or the Union, and fails to take up his residence in such territory or the Union within five years as from such commencement, he shall cease to be a British subject.

2. Every person, who, under the provisions of section two of the South West Africa Naturalization of Aliens Act, 1924 (Act No. 30 of 1924), or under the provisions of section one of this Act, is deemed to have become a naturalized British subject shall, for the purposes of the British Nationality in the Union and Naturalization and Status of Aliens Act, 1926 (Act No. 18 of 1926), be deemed to be a person to whom a certificate of naturalization has been granted.

3. Section one of the South West Africa Naturalization of Aliens Act, 1924 (Act No. 30 of 1924) is hereby repealed.

4. This Act may be cited as the Naturalization of Aliens (South West Africa) Act, 1928.

BULGARIA

EDITORS' NOTE. The law of nationality was first [1] embodied in the Constitution of April 16, 1879. The law of December 17, 1880 [2] repealed the provisions of Article 54 of the Constitution and provided that legitimate children born of Bulgarian parents are Bulgarian subjects wherever born; and that a Bulgarian woman lost her nationality by marriage to an alien.

The law of February 26, 1883 [3] maintained the above principles. Article 15 of this law provided that all persons born in Bulgaria, of parents who were themselves born there, were Bulgarian nationals. Such persons upon reaching majority had the right to choose the nationality of their parents. Article 7 provided that legitimate children of a Bulgarian father were Bulgarians. Article 10 extended Article 7 to children born abroad. According to Article 14, an alien woman who married a Bulgarian acquired his nationality. Article 26 enacted that a Bulgarian woman who married an alien *ipso facto* lost her nationality. Naturalization was facilitated by Articles 16 to 22. Article 29 enacted that a Bulgarian subject may be naturalized abroad, but in such a case he lost his Bulgarian nationality. Article 36 abrogated the law of December 17, 1880 and all contrary provisions.[4]

Ministerial Circulars No. 2778 of April 16, 1885, and No. 3923 of April 9, 1888 [5] interpreted the constitutional provisions. The law of 1903 supersedes the law of 1883, except as provided in Article 37. The law of 1903 was modified by the law of January 10, 1908, while Article 8 was modified by the law of December 8, 1911.

BIBLIOGRAPHY: Cahn, 391; Clunet (1910) 702, 710; T. Geshkoff, "An Analysis of the Bulgarian Nationality Law," *Am. Jour. Int. Law* (1927) 534; Keller-Trautmann, 640; Kessiakov, "Die Bulgarische Staatsangehörigkeit," *Zeitschrift für Ostrecht* (June, 1927) 353; Magnus, 14; S. S. Stanimiroff, *De la nationalité d'origine et de l'acquisition de la nationalité d'après la législation bulgare* (Paris, 1909); Stokoff, *Modes et effets de l'acquisition de la nationalité bulgare* (Toulouse, 1905).

For the text of the law of February 26, 1883, in French, see 74 *Br. and For. St. Papers*, 752. For comment, see N. Y. Yantcheff, *La Bulgarie et l'étranger, la nationalité bulgare* (Lausanne, 1892). For the text of the law of February 4, 1894, see Bulgarian Official Journal, February, 1894. For comment, see *Ann. de lég. étr.* (1895) 835. For the text of the law of December 31, 1903, see Bulgarian Official Journal, January 5, 1904, No. 3. For comment on the law of December 1903, see *Ann. de lég. étr.* (1904) 398; Lehr, 50; Magnus, 14. For the text of the law of January 10, 1908, see Official Journal (1908), No. 9. For text of the decree of December 8, 1911, see Official Journal (1911), No. 274. For comment, see *Ann. de lég. étr.* (1911) 765.

CONSTITUTION OF APRIL 16–29, 1879 [6]

AS AMENDED MAY, 1893, AND JULY, 1911

[TRANSLATION]

CHAPTER XII.—CITIZENS OF THE BULGARIAN KINGDOM

Article 54. All persons born in Bulgaria and who have not adopted any other nationality, as well as those who are born in foreign countries of par-

[1] For the ancient law of nationality see S. S. Stanimiroff, *De la nationalité d'origine et de l'acquisition de la nationalité d'après la législation bulgare* (Paris, 1909) 19.

[2] Id. 81.

[3] 74 *Br. and For. St. Papers*, 752.

[4] As to the constitutionality of the law of February 26, 1883, see S. S. Stanimiroff, *op. cit.* 92.

[5] Id. 79.

[6] Text from *Br. Parl. Papers*, Misc. No. 7 (1928), Cmd. 3221, p. 3 (with modifications).

ents who are Bulgarian subjects, are considered subjects of the Bulgarian Kingdom.

Article 55. Foreigners may be admitted to Bulgarian nationality by virtue of a law, to be enacted hereafter.

Article 56. Every subject of the kingdom may cease to be a Bulgarian citizen after he has completed his period of military service and has fulfilled his other obligations toward the state, in conformity with a special law, to be enacted hereafter. . . .

Article 60. The citizens of the Bulgarian Kingdom alone enjoy political rights; but all persons who dwell within the kingdom enjoy civil rights in conformity with the laws. . . .

Article 65. Bulgarian subjects alone have the right to fill public offices, civil or military.

Article 66. Foreigners may also be admitted to fill public offices, provided the approval of the National Assembly be obtained in every instance.

LAW OF DECEMBER 31, 1903, CONCERNING BULGARIAN NATIONALITY[1]

AS AMENDED ON JANUARY 12, 1908, DECEMBER 8, 1911, AND JULY 24, 1924

[TRANSLATION]

CHAPTER I.—GENERAL PROVISIONS

Article 1. Bulgarian nationality gives the privilege to exercise all civil rights. Political rights are acquired and retained in accordance with the Constitution and the Electoral Law.

Article 2. Bulgarian subjects are considered all persons who, at the time of the creation of the kingdom, were residing or were born within the boundaries of its territory.

Article 3. Bulgarian subjects are considered also all those persons who, since the creation of the kingdom, have acquired Bulgarian nationality in accordance with the present law.

Article 4. Bulgarian nationality may be acquired by birth, by naturalization and by marriage.

CHAPTER II.—NATIONALITY BY BIRTH

Article 5. As Bulgarian nationals will be considered:

(1) Every person born in Bulgaria or born abroad of a Bulgarian. Every illegitimate child whose parentage has been established, during its minority, either by acknowledgment (on the part of the

[1] Text from enclosure with Despatch No. 551, December 19, 1924, from the American Minister to Bulgaria to the Secretary of State.

parents) or by a court decree, shall take the nationality of the parent who was first proved to be such. If parentage has been established of both the mother and father by the same act or decree, then the child shall take the nationality of the father;

(2) Every person, born in the kingdom, of unknown parents, or of parents whose nationality is unknown, and

(3) Every person born within the kingdom, of alien parentage and who on attaining his majority resides in the kingdom, unless during the year following his majority, as provided by the laws of the kingdom, he rejects Bulgarian nationality and proves with a certificate from his government that he retains the nationality of his parents, and in addition presents, if necessary, a certificate that he has fulfilled satisfactorily the provisions of the military laws of his parents' country. (Law of January 12, 1908.[1])

Article 6. Every person, born in Bulgaria, but who does not reside therein on attaining his majority may, before he reaches the age of twenty-two, declare his intention to establish his permanent residence within Bulgaria, and if he should actually establish such residence within one year after making such declaration, then he shall have the right to request recognition as a Bulgarian national by filing a petition at the Ministry of Justice.

In case such person has not reached his twenty-first year his father may file such petition on his behalf. In case of the death of the father, by the mother, and in case of the death of both parents or their exclusion from guardianship, the petition may be filed by the guardian with the approval of the family council.

Such person may also acquire Bulgarian nationality if, after being placed on the register of recruits, he appears before the recruiting commission for examination without bringing up his foreign nationality.

Article 7. Every person born in Bulgaria, or in a foreign country, of parents one of whom has lost Bulgarian nationality may claim such nationality at any age as long as he lives, under the provisions of the previous article, except when, after establishing himself in Bulgaria, and upon being called to the colors when of age, he claims exemption because of his foreign nationality.

Article 8. Every person having foreign citizenship, but of Bulgarian origin, may become a Bulgarian national as soon as he settles within the principality, and sends a petition to the Minister of Justice to the effect that he intends to reside permanently within the boundaries of the principality. (Repealed by the law of December 8, 1911.)

[1] Section 3 of Article 5 which reads: "every person born within the kingdom, of aliens who were also born therein," was repealed by the law of January 12, 1908, and section 4 of the same article became section 3.

Chapter III.—Nationality by Naturalization

Article 9. Bulgarian nationality by naturalization may be acquired by:

(1) Aliens who have received permission to be domiciled within the kingdom, in accordance with Article 14, after a residence of three years prior to the date of filing their petitions at the Ministry of Justice;

(2) Aliens who can prove that they have lived continuously within the kingdom for a period of ten years;

A period of sojourn abroad on a government mission is to be counted towards such time of residence in the kingdom;

(3) Aliens permitted to reside within the kingdom, after one year, if they have rendered important service to the state, if they have brought within the country famous talents or if they have introduced a new industry, or have made some useful inventions, or if they have erected industrial or other establishments;

(4) Aliens who marry Bulgarian women, after a similar period of one year after they have received permission to establish their permanent residence within the kingdom, and

(5) (New Section. Law of December 8, 1911.) Aliens of Bulgarian ancestry after a similar period of one year after they have received permission to establish their permanent residence within the kingdom.

This provision does not apply to those aliens of Bulgarian origin who have passed the recruiting age but who have not served their terms in the army of their country or Bulgaria.

Article 10. Naturalization of aliens enumerated in the previous article, who have made a request for such in accordance with the terms of Chapter VI, shall be authorized by royal decree on the proposal of the Minister of Justice, after the necessary investigation as to their morality has been made.

Article 11. The wife of an alien who has acquired Bulgarian nationality by naturalization, and the children of such naturalized alien who have reached their majority may, if they wish, acquire Bulgarian nationality without the residence requirement, either through a decree granting such quality to the husband, father or mother, or as a result of the petition which they may file in accordance with the terms and limitations of Article 6.

Minor children whose father and mother, or only the father or surviving mother, have acquired Bulgarian nationality by naturalization are also Bulgarian nationals, unless during the year following their coming of age they decline such qualification as provided in Article 5, section 3.

Article 12. Persons who acquire Bulgarian nationality as provided in Articles 6, 7, 16 and 18, may enjoy only the rights conferred by such nationality which shall have accrued to their advantage after the acquisition of Bulgarian nationality.

Article 13. An alien who has acquired Bulgarian nationality by naturalization may enjoy all civil and political rights which are associated with Bulgarian nationality. However, he may not be elected a national representative until fifteen years have passed since the date of his naturalization, unless such time limit be reduced by special law. This time limit may be reduced to ten years for those who have become Bulgarian nationals in accordance with the provisions of Article 9, section 3.

The time limit may be further reduced to three years.

Bulgarians who, after having lost their nationality, regain it, may immediately thereafter enjoy all civil and political rights and they may be elected as national deputies.

Note. Articles 50 and 132 of the Electoral Law are hereby repealed.

Article 14. An alien who has been permitted to establish his permanent residence within the kingdom may enjoy all civil rights.

The effect of such permission to reside within the kingdom shall cease after five years if the alien fails to seek naturalization, or if he has sought such and his request has not been granted.

In case of death before naturalization takes place, the wife and the children who were minors at the time such permission was granted may utilize such permission and the period of time.

Permission to establish permanent residence shall be granted by royal decree upon the proposal of the Minister of Justice.

Chapter IV.—Naturalization by Marriage

Article 15. Every alien woman who marries a Bulgarian national acquires Bulgarian nationality.

After the dissolution of the marriage tie she may decline Bulgarian nationality by a special declaration made in accordance with Article 30.

Article 16. A woman possessing Bulgarian nationality upon marriage to an alien takes the nationality of her husband, unless such marriage according to the laws of the country of which her husband is a national, does not confer upon her such nationality. In case the marital status is terminated either through the death of the husband or divorce she shall become again a Bulgarian national by the authorization of the King, by a special decree, provided only that she reside in Bulgaria, or that she come to reside therein in case she is abroad.

In case the marital status is terminated due to the death of the husband, then the minor children may become Bulgarian nationals by the same decree, at the request of the mother, or by another decree provided the request is made by the guardian with the approval of the family council, and after the mother's renewal of her nationality.

Chapter V.—Loss of Nationality

Article 17. Bulgarian nationality shall be lost by:

(1) A Bulgarian national who has been naturalized in a foreign country, or who voluntarily acquires foreign nationality in accordance with the provisions of the present law.

In case he has not served his term in the army naturalization abroad does not free him from the obligations of Bulgarian nationality, unless such naturalization was obtained with the approval of the Bulgarian Government;

(2) A Bulgarian national who renounces his nationality in the cases provided for in Articles 5 (Section 3), 11 and 18;

(3) A Bulgarian national who, after having accepted an office from a foreign government, neglects the order from the Bulgarian Government to give up such position within a prescribed period, and

(4) A Bulgarian national who enters the military service of a foreign country without the consent of the government, aside from the penalities which he might bring upon himself in trying to avoid the performance of his duty which the military law requires.

Article 18. A Bulgarian national who has lost his nationality may again acquire such by a royal decree provided only that he reside in Bulgaria. Nationality may be granted to the wife and the children who have reached their majority, by the same decree, provided they so request.

The minor children of the father or mother who have regained their nationality, become Bulgarian nationals unless, during the year following their majority, they decline such right by conforming to the provisions of Article 5, section 3.

Article 19. A Bulgarian national who without the permission of the government enlists in the army of a foreign country, may not return to Bulgaria, except by authorization of a royal decree, nor can he again become a Bulgarian national, unless he fulfills the conditions required of an alien for acquiring, through regular naturalization, Bulgarian nationality.

Article 20. A Bulgarian national living abroad loses his nationality if, in case of war, he fails to return to the kingdom within the period stated in the notice sent him.

Article 21. No Bulgarian national who lives in the country may acquire foreign nationality without the permission of the government.

Article 22. The acquisition of foreign nationality by a Bulgarian national does not alter the nationality of his wife and major children.

Article 23. The loss of Bulgarian nationality by a Bulgarian national does not entail a change in the nationality of the wife or major children.

Article 24. The minor children of a widow do not lose their nationality in case the mother marries an alien.

Chapter VI.—Procedure for the Acquisition and loss of Bulgarian Nationality

Article 25. An alien who desires permission to establish his permanent residence in the kingdom, must address a petition to the Minister of Justice for the purpose, accompanied by his certificate of baptism and that of his father, translated into Bulgarian if in a foreign language, as well as a certificate from the Bureau of Judgments of the kingdom.

In connection with such petition, before authorization for permanent residence is granted, information as to the petitioner's moral standing, his means of existence, the time he has spent within the kingdom, his family, his political views and his attitude towards Bulgaria, shall be gathered by the competent district prefect. The result of such investigation will determine whether the Minister of Justice will recommend the granting of the petition.

Article 26. An alien who, after having established permanent residence in the kingdom, desires to acquire Bulgarian nationality by naturalization must address a petition to the Minister of Justice, accompanied by his baptismal certificate, a certificate from the Bureau of Judgments and the birth certificate of his minor children, if there be such, translated into Bulgarian if they are in a foreign language.

In case the persons affected are unable to furnish the above-mentioned baptismal certificates which should accompany the petition for naturalization, then they can be replaced by a certificate issued by the Justice of the Peace where such persons reside. Such certificate shall be based upon the testimony of three witnesses, of either sex, relatives or not, and shall contain the following: the name and surname of the petitioner and his parents, if they are known; his occupation and place of residence; the place of his birth and if possible the date of his birth, as well as the reasons which prevent him from furnishing a baptismal certificate. The certificate shall be signed by the Justice of the Peace and the witnesses.

Article 27. If an alien married to a Bulgarian woman desires naturalization one year after receiving permission to establish his permanent residence in the kingdom, he must present the baptismal certificate of his wife and that of her father, if the latter is necessary to prove that she is of Bulgarian origin.

Article 28. An alien who files a petition for naturalization based upon his uninterrupted residence in the kingdom for a period of ten years, must attach to the petition the documents which establish that he has resided in the country for at least ten years.

Article 28a. (Added by law of December 8, 1911.) A person who desires to become a Bulgarian national under the provisions of Article 9, section 5 of the present law, must, in addition to the documents mentioned in Articles 25 and 26, furnish also the following: (1) A certificate that he has per-

formed his military duty either in his country or Bulgaria; and (2) authentic documents proving that he is of Bulgarian origin.

Article 29. The wife and major children of an alien who desires to become a Bulgarian national, whether by naturalization or by restoration of nationality must, if they wish to acquire Bulgarian nationality without the residence requirement, under the provisions of Articles 11 and 18 of this law, send their petitions for naturalization together with the petition sent by the husband, father or mother.

When use is made of the privileges conferred by Articles 6 and 7, then such petition may be attached to that of the husband, father or mother.

Article 30. Requests for the acquisition or rejection of Bulgarian nationality shall be made orally before the Justice of the Peace in the district where the applicant resides, and for the purpose special papers shall be drawn up and signed by the judge and petitioner. Such requests may also be made by third parties who must have special powers of attorney for the purpose.

The papers drawn up by the Justice of the Peace should be in duplicate. The applicant must be identified by two witnesses. In order to support the petition he shall be required to furnish the necessary documents, accompanied by his baptismal certificate, as well as the birth certificates of his minor children, together with translations if they are written in a foreign language.

When the applicant resides abroad such requests are to be made before the diplomatic or consular representatives.

Article 31. Both copies of the papers drawn up by the Justice of the Peace dealing with the request made before him, together with the supporting documents accompanying such request, shall be forwarded immediately by the Justice of the Peace to the Procurator of the District Court who shall, without delay, transmit them to the Ministry of Justice.

Article 32. The petition shall be registered in a special register of the Ministry of Justice. One copy shall remain in the archives of the ministry and the other is to be sent to the person interested with a note referring to its registration.

The registration date is to be the date on which the petition was executed before the Justice of the Peace.

Article 33. Whenever a person, born in Bulgaria of foreign parents, but who resides abroad at the time of attaining his majority, wishes to declare his intention of establishing permanent residence in the kingdom, as provided in Article 6, then the petition for such purpose is to be made before some one of the Bulgarian diplomatic or consular representatives abroad. The papers drawn up in connection with such petition are to be in duplicate, one copy of which is to be given to the person affected and the other is to be forwarded immediately, through the Ministry of Foreign Affairs, to the Ministry of Justice.

Article 34. A person born in Bulgaria of parents one of whom has lost

Bulgarian nationality and who desires such nationality in accordance with Article 7, must establish his residence, and that of his parents, at the time of attaining his majority.

Article 35. A minor child may renounce his right, granted him by Articles 5 (section 3), 11 and 18, of refusing Bulgarian nationality when he becomes of age, through the persons mentioned in Article 6, section 2, who shall act in his name.

Article 36. (Amended by the law of July 24, 1924.) An alien desiring to acquire Bulgarian nationality by naturalization shall pay into the state treasury a sum of 6000 leva[1] as an office fee. The payment of this sum may be made in two instalments: 3000 leva at the time of establishing his permanent residence, and 3000 leva at the time of his naturalization.

In case the petition is not granted the amount paid is to be refunded to the applicant.

(New paragraph, law of December 8, 1911.) Aliens who took part in the War of Liberation of Bulgaria, either as insurgents or as soldiers in the Russian armies, are exempt from the payment of the office fee.

Chapter VII.—Final Provisions

Article 37. The conditions of residence required of aliens who have applied for Bulgarian nationality before the present law goes into effect shall be determined in accordance with the old Bulgarian nationality law.

(New paragraph, added by the law of December 8, 1911.) The provisions of the present law shall not affect the persons who, before it goes into effect, have applied for Bulgarian nationality in accordance with the provisions of paragraph 8 of the old Bulgarian nationality law.

Article 38. The present law repeals all laws and regulations dealing with the subject matter which it determines.

[1]Originally 300 leva.

CHILE

EDITORS' NOTE. The first Constitution of Chile was promulgated August 8, 1828. It was modified by the law of October 1, 1831, and a new Constitution was promulgated May 22, 1833.[1] Article 5 (6), paragraph 1, of the Constitution of 1833 provided that persons born in the territory of Chile were Chileans. Paragraph 2 of the same article conferred Chilean nationality upon children born abroad of Chilean parents, provided that the former settled in Chile. No provision was made as to the effect of marriage on nationality. Article 9 (11), paragraph 3, allowed denationalization, while Article 3, among other conditions, required a residence of one year for the naturalization of foreigners. This constitution was in force until superseded by the Constitution of 1925. The decree law of December 15, 1925 relates to the naturalization of aliens.[2]

BIBLIOGRAPHY: A. Alvarez, "De quelques difficultés entre le Chili et les pays étrangers en matière de double nationalité," Clunet (1917) 464; "Provisions of Civil Code and Constitution," Note, *Bull. de lég. comp.* (1878) 509; Folleville, 647; F. C. Orrego, *La nacionalidad de origen, Memoria de prueba* (Santiago, 1909).

For the text of the Constitution of 1833, in English, see Cit. Bd. Report (1906) 290; in French, see Cogordan, 477. For the text of the Constitution of 1925, in Spanish, see *Constitución política de la República de Chile* (1925). For comment on the Constitution of 1925, see Magnus, 18. For text of Decree Law No. 747, of December 15, 1925, see *Diario oficial* (14354), December 23, 1925.

CONSTITUTION OF SEPTEMBER 18, 1925[3]

[TRANSLATION]

CHAPTER II

Article 5. The following are Chileans:

(1) Those born in the territory of Chile, excepting the children of foreigners who may happen to be in Chile in the service of their government and the children of transient foreigners, all of whom shall be empowered to choose between the nationality of their parents and that of Chile.

(2) The children of Chilean father or mother, born in foreign territory, by the sole act of becoming resident in Chile.

The children of Chileans born abroad, the father or mother being at that time in the service of the republic, are Chileans even for those purposes wherein the fundamental, or any other laws, may require birth within Chilean territory.

(3) Foreigners who may obtain letters of naturalization in conformity to law, upon express renunciation of their former nationality.

(4) Those who have obtained a special grant of naturalization by law.

Naturalized persons will have the right to hold public office by popular election, only after five years of being in possession of letters of naturalization.

[1] Zeballos, I, 651. [2] Post.
[3] Text from *Law and Treaty Series*, No. 3 (1926), Pan American Union.

The law will prescribe the procedure for choosing between Chilean and foreign nationality, for the granting, denial or cancellation of letters of naturalization, and for the keeping of a register of all these proceedings.

Article 6. Chilean nationality is lost:

(1) By naturalization in a foreign country.
(2) By cancellation of the letters of naturalization.
(3) By lending aid during war to the enemies of Chile or of her allies.

Those who may have lost Chilean nationality for any of the reasons set out in this article cannot be rehabilitated except by law.

Article 7. Chileans who may have attained twenty-one years of age, who know how to read and write, and are inscribed in the electoral registers are citizens with the right of suffrage.

These registers are open to public inspection and are valid for such time as the law may determine.

Inscriptions will be permanent and be suspended only for the periods as by law indicated.

In popular elections voting shall always be by secret ballot.

Article 8. The exercise of the right of suffrage is suspended:

(1) For physical or mental incapacity that may interfere with free and deliberative action.
(2) When the citizen shall be under indictment for an offense punishable corporally.

Article 9. The status of citizen with right of suffrage is lost:

(1) For having lost Chilean nationality.
(2) Through condemnation to corporal punishment. Those who on this account may have lost the status of citizenship may petition for rehabilitation by the Senate.

DECREE LAW NO. 747, OF DECEMBER 15, 1925[1]

[Translation]

Naturalization of Foreigners

Article 1. Naturalization will be granted by the President in a decree countersigned by the Minister of the Interior and bearing the notation "By order of the President."

Article 2. Papers may be granted to foreigners twenty-one years of age, resident in the republic more than one year, who renounce through a public instrument before a notary their original nationality or any other acquired nationality.

[1] Text from the *Diario oficial* (No. 14354), December 23, 1925.

Article 3. Naturalization will not be granted to:

(1) Persons sentenced or being charged for petty offences or crimes until they have been discharged,
(2) Those incapable of earning their living.
(3) Those suffering from chronic sickness, contagious disease or organic incurable vices,
(4) Those who practice or diffuse doctrines which might bring about a revolutionary change in the social or political system or which might affect national integrity,
(5) Those who normally engage in illicit work at variance with good customs and morality, and in general, those who may be considered as within the meaning of the Residence Law (No. 3446) dated December 12, 1918.

Article 4. Naturalization petitions will be presented to the Governor of the district in which petitioner is resident, and should furnish the following information:

(a) Christian and surname, paternal and maternal.
(b) Place of birth.
(c) Age.
(d) Civil status. If married, state whether to Chilean or foreigner.
(e) Number of children, specifying those born in Chile.
(f) Profession or occupation.
(g) Real estate owned by petitioner.
(h) If naturalized in any other country.
(i) Identification papers, either from country of origin or from last place of residence.
(j) Consular or diplomatic certificates from officers duly accredited in Chile indicating antecedents and identity.
(k) Information from the police of different places in Chile where applicant has resided.
(l) Other antecedents which might be of interest in respect of services rendered by petitioner to national institutions or to the country in general.
(m) Duplicate of the dactyloscopic record granted by a branch of the Identification Department.

Article 5. Before the petition goes to the Ministry for decision the Governor will ask the Prefect of Police for information as to the police record of applicant.

Article 6. The Ministry, in turn, will ask information of the General Administration of Police, to ratify, through the Identification Department, the antecedents of applicant.

Article 7. A decree refusing naturalization papers will always be justified and signed by the President of the republic.

Article 8. A decree cancelling naturalization must also be justified by having been granted contrary to Article 3 or by incidents having occurred

which rendered the holder unworthy of citizenship. Cancellation will be made after decision of the cabinet and by decree signed by the President.

Article 9. Within three months from date of this decree law all owners of naturalization papers must inscribe them in a register which will be kept for this purpose by the Prefects of Police. The register will indicate the name of the citzen, place of birth, number and date of decree granting naturalization, and number of the certificate. At the expiration of this period, the Prefects of Police will forward to the Confidential Office of the Ministry of the Interior a list of citizens inscribed.

Article 10. Naturalization papers granted from this date will be numbered by the Confidential Office of the Ministry of the Interior, after payment of the tax, and will be noted on the Roll of Naturalization papers, maintained by this office. This roll, completed by information sent in by the police, will be published entirely, and its modifications will be inserted each year in the Ministerial Record.

Article 11. The President may grant naturalization papers to foreigners who have their papers granted under the Constitution of 1833, taking into consideration the accumulated antecedents or instructing that they should be completed as laid down in this law.

Article 12. All dispositions contrary to this law are repealed, and this law will come into effect from the date of its publication in the *Diario oficial*.

CHINA

EDITORS' NOTE. Prior to the law of March 28, 1909,[1] there was only customary law governing nationality. According to this customary law, the child of a Chinese subject acquired his nationality,[2] but a Chinese national did not have citizenship (*droit de cité*) unless three generations of ancestors had been registered in a city. A Chinese woman who married a foreigner followed the condition of her husband if they were married according to Chinese law. By Article 1 of the law of March 28, 1909,[3] children of a Chinese father were Chinese; so were also children of a Chinese mother, if the father or his nationality was unknown. Article 5 provided that every foreigner or person without nationality, finding himself in the following conditions, acquired Chinese nationality: (1) a woman married to a Chinese person. . . . Article 13 provided that a Chinese woman marrying an alien lost her nationality only if she acquired the nationality of her husband according to the laws of his country. Article 3 required a residence of ten years as a condition for naturalization. The consent of the government was necessary for naturalization abroad, according to Articles 11 and 12.

The law of November 18, 1912,[4] by Article 1, reenacted the provisions in Article 1 of the law of March 28, 1909. Naturalization was greatly facilitated, especially for certain relatives of Chinese citizens. The provisions of the law of 1909, concerning the effect of marriage on nationality, were carried over into the law of 1912. Certain articles of the law of 1909 were not included in the law of 1912. The law of 1909 was replaced by that of December 30, 1914[5] which was superseded by the law of February 5, 1929.

BIBLIOGRAPHY: H. Betz, "Ein chinesisches Staatsangehörigkeitsgesetz," *Blaetter für vergleichende Rechtswissenschaft* (Berlin, 1909–1910) 29; A. Kammerer, "La nouvelle loi chinoise sur la nationalité," *Rev. de dr. int. pr.* (1909) 720; Lehr, 56; Liang, Yuen-li, *Lectures on the Chinese Law of Nationality*, Comparative Law School of China (Shanghai, 1928); H. F. Macnair, "Chinese Nationality in its Relation to Treaty Ports," 27 *China Weekly Review* (1924) 349; H. F. Macnair, "Chinese Acquisition of Foreign Nationality," *Chinese Social and Political Science Review*, October, 1923; Magnus, 20; Sainson and Cluzel, "La nationalité dans le nouveau droit chinois," Clunet (1910) 407, 815; Schwartz, 105.

For the text of the law of March 28, 1909, in French, see Clunet (1910) 1380; *Rev. de dr. int. pr.* (1909) 732; in English, see *Am. Jour. Int. Law Supp.* (1910) 160. For comment, see Tsai Chutung, "The Chinese Nationality Law, 1909," *Am. Jour. Int. Law* (1910) 404. For the text of the law of November 18, 1912, in French, see *Ann. de lég. étr.* (1912) 625; *Rev. de dr. int. pr.* (1914) 244; M. Baudez, "La nouvelle loi chinoise sur la nationalité du 18 novembre 1912," *Rev. de dr. int. pr.* (1914) 238. For the text of the law of December 30, 1914, in English, see 114 *Br. and For. St. Papers*, 667; *Br. Parl. Papers*, Misc. No. 7 (1922), Cmd. 1771, p. 10; in French, see *Ann. de lég. étr.* (1914–15) 498; Clunet (1917) 767; in German, see Schwartz, 249. For the text of the law of February 5, 1929, in French, see Clunet (1929) 814.

[1] See communication of Ministers of the Wai Wu Pu to Mr. Coolidge, of November 15, 1906, Cit. Bd. Report (1906) 291.

[2] Clunet (1910) 411.

[3] Id. 1380. T. Chutung, "The Chinese Nationality Law, 1909," 4 *Am. Jour. Int. Law* (1910) 406.

[4] *Ann. de lég. étr.* (1912) 625.

[5] 114 *Br. and For. St. Papers*, 667.

REVISED LAW OF NATIONALITY OF FEBRUARY 5, 1929[1]

[TRANSLATION]

CHAPTER I.—NATURAL POSSESSION OF CHINESE NATIONALITY

Article 1. The following persons are of Chinese nationality:

(1) One whose father is at the time of his (or her) birth a Chinese national;
(2) One who is born after the death of his (or her) father and whose father is a Chinese national at the time of his death;
(3) One whose mother is a Chinese national, and whose father is unknown —or has no nationality;
(4) One who is born in China, and whose parents are unknown or have no nationality.

CHAPTER II.—ACQUISITION OF CHINESE NATIONALITY

Article 2. Aliens who fulfill one of the following conditions acquire the nationality of the Chinese Republic:

(1) Being the wife of a Chinese national except in cases where under the law of her native country she retains her nationality;
(2) One whose father is a Chinese national and who is recognized by him as his child;
(3) One whose father is unknown, or whose father has not recognized him (or her) as his child; but whose mother is a Chinese national and has recognized him (or her) as such;
(4) An adopted son of a Chinese national;
(5) One who acquires Chinese nationality by naturalization.

Article 3. An alien, or one who has no nationality, can be naturalized as a Chinese national by the permission of the Ministry of the Interior.

The Ministry of the Interior may not permit any person to be naturalized as a Chinese national unless he (or she) has fulfilled the following conditions:

(1) Having his (or her) domicile in China for more than five years without interruption;
(2) Aged above twenty and having legal capacity as defined by the Chinese law and the law of his (or her) native country;
(3) Good moral character;
(4) Having enough property and skill and ability to support himself (or herself).

For those who have no nationality at the time of their naturalization, the second condition as stated above can be fulfilled only according to the law of the Chinese Republic.

Article 4. Any of the following aliens, who has domicile in China, may even if he (or she) does not comply with the requirements of a residence of more than five years without interruption be naturalized as a Chinese national:

[1] Text from Clunet (1929) 814.

(1) One whose father or mother was a Chinese national;
(2) One who has married a Chinese woman;
(3) One who was born in China;
(4) One who has had his (or her) residence in China for more than ten years without interruption.

An alien who has fulfilled the first, the second, or the third condition stated above cannot yet be naturalized as a Chinese national unless he (or she) has had his (or her) residence in China for more than three years, except in the case of a person who has fulfilled the third condition stated above, and whose father or mother was born in China.

Article 5. An alien who has his (or her) domicile in China and whose father or mother is a Chinese national may be naturalized as a Chinese national even though he (or she) does not fulfil the conditions stated above in Article 3, paragraph 2, numbers 1, 2, and 4.

Article 6. An alien who has rendered exceptional service to China may be naturalized as a Chinese national even though he (or she) does not fulfil the conditions stated above in Article 3, paragraph 2.

The Ministry of the Interior, in permitting the aforesaid alien to be naturalized as a Chinese national, must first secure authorization from the National Government.

Article 7. All naturalizations must be published in the National Government Gazette; from the day of such publication they become effective.

Article 8. A naturalized national's wife and his children who have not attained majority according to the law of his native country, shall, because of his naturalization, acquire the nationality of the Chinese Republic except where the law of the native country of his wife and children is in conflict with this provision.

Article 9. A person who acquires the nationality of the Chinese Republic under Article 2 and the wife and children of a naturalized national who acquire the nationality of the Chinese Republic because of his naturalization cannot hold the following public offices:

(1) Member of the State Council, President of a Yuan, Head of a Ministry or Chief of a Department;
(2) Member of the Legislative Yuan or Member of the Control Yuan;
(3) Ambassador and minister plenipotentiary;
(4) Officer of the sea, land, or air forces;
(5) Member of a provincial or territorial government;
(6) Mayor of a special municipality;
(7) Member of a provincial assembly of any class.

For a naturalized national who has acquired nationality according to the provision of Article 6, the Ministry of the Interior may ask the National Government to remove the foregoing disqualifications, provided that he has been naturalized after five full years from the date of naturalization.

For others who have acquired their nationality otherwise, the Ministry of the Interior may do so, provided they have been naturalized after ten full years from the date of naturalization.

Chapter III.—Loss of Chinese Nationality

Article 10. One shall lose his (or her) Chinese nationality if he (or she) falls in any one of the following categories:

(1) Being the wife of a foreigner and having obtained permission from the Ministry of the Interior to renounce her nationality on her application;
(2) One whose father is an alien and has recognized him as his child;
(3) One whose father is unknown, or has not recognized him as his child; and whose mother is an alien and has recognized him as her child.

The application of the second and third provisions, mentioned above, should be confined to children who have not attained majority according to the Chinese law, and to a woman who is not the wife of a Chinese national.

Article 11. One who wishes to acquire the nationality of a foreign country may be permitted by the Ministry of the Interior to renounce his Chinese nationality provided that he (or she) is more than twenty years of age and has legal capacity under the Chinese law.

Article 12. The Ministry of the Interior shall not permit any person to renounce his (or her) nationality if he (or she) has any one of the following disqualifications:

(1) One who has attained military age, who is not exempted from military service, and who has not yet served in the army;
(2) Being in the active service of the army;
(3) Being a Chinese civil or military officer.

Article 13. A person shall not lose his Chinese nationality even though he (or she) fulfils the provisions of Article 10 and Article 11, provided that he (or she) falls in any one of the following categories:

(1) A person who is a suspect or an accused in a criminal case;
(2) A person who has been sentenced and the execution of whose sentence has not been finished;
(3) A person who is a defendant in a civil case;
(4) A person against whom a compulsory execution has been ordered and has not yet been entirely carried out;
(5) A person who has been adjudged a bankrupt and whose bankruptcy has not been discharged by an order of court;
(6) A person who has delayed in the payment of taxes or who has suffered penalty because of his delay in the payment of the same, such penalty having not yet been discharged.

Article 14. One who loses his Chinese nationality, surrenders the rights and privileges which only a Chinese national can enjoy.

One who before the loss of his Chinese nationality possesses properties as a result of the rights and privileges ascribed to a Chinese national must turn them into the national treasury, provided that within the delay of one year he does not dispose of them in favor of a Chinese national or nationals.

Chapter IV.—Recovery of Chinese Nationality

Article 15. A Chinese who has, according to Article 10, paragraph 1, number 1, lost her Chinese nationality, can after the termination of such marriage relationship regain her Chinese nationality by the authorization of the Ministry of the Interior.

Article 16. One who has, according to Article 11 lost his Chinese nationality, can regain it by the permission of the Ministry of the Interior, provided that he has his residence in China and fulfils the conditions stated above in Article 3, paragraph 2, numbers 3 and 4, except in the case of a naturalized national who later denaturalizes himself, or his wife and children who have acquired Chinese nationality because of the naturalization of their father and who have lost it afterwards.

Article 17. The provisions stated above in Article 8, shall be applied to the cases stated in Articles 15 and 16.

Article 18. A national who has recovered his nationality, may not, within three years from the day of the recovery of his nationality, hold public offices as enumerated above in Article 9, paragraph 1.

Chapter V.—Supplementary Rules

Article 19. Rules for the application of the law stated above will be determined separately.

Article 20. The aforesaid law will come into force from the day of its promulgation [February 5, 1929].

COLOMBIA

EDITORS' NOTE. Article 2 of the naturalization law of April 11, 1843[1] provided that the naturalization of the husband carried with it the naturalization of the wife and the children under twenty-one years of age. The Constitution of May 8, 1863 (Article 1)[2] enacted that all persons born in the United States of Colombia were Colombians. It included children of transient aliens, provided that the former established their domicile in Colombia. Article 2 provided that children born abroad of Colombian parents would acquire Colombian nationality *jure sanguinis* if they should become domiciled in Colombia. According to Article 32, Colombians who became domiciled and naturalized abroad lost their nationality. The law of May 23, 1877[3] dealt with the cancellation of letters of naturalization of foreigners implicated in rebellion. The law of 1883 provided that children born abroad of Colombian fathers and mothers had a right to a letter of naturalization, whether they resided in Colombia or not. The provisions of the Constitution of 1863 were slightly modified by the Constitution of 1886, which is still in effect, later amendments not having changed the provisions as to nationality.

Law 145 of November 26, 1888[4] specified the requirements for naturalization. In connection with naturalization, foreigners are divided into residents and domiciliaries. Intention to become domiciled is presumed either from an express declaration that the declarant chooses to establish his domicile in Colombia or from certain enumerated circumstances, such as residence of four years or residence coupled with possession of real estate.

BIBLIOGRAPHY: Arbo, *Ciudadanía y naturalización* (1926), *passim;* A. Della Torre, "De la nationalité de l'étrangère qui épouse un colombien et de la colombienne qui épouse un étranger," *Rev. de dr. int. pr.* (1909) 820; Lehr, 57; A. J. Uribe, *Anales diplomáticos y consulares de Colombia* (1901); Zeballos, II, 3.

For the text of the law of May 23, 1877, in English, see 68 *Br. and For. St. Papers*, 775. For the text of the Constitution of 1886, in Spanish, see *Constitución de la República de Colombia* (1925); in English, see Cit. Bd. Report (1906) 292; in French, see Cogordan, 478; *Répertoire général alphabétique du droit* (1894) XI, 293. For comment, see Champeau, "Condition des étrangers en Colombie," Clunet (1894) 929. For comment on the law of November 26, 1888, see *Ann. de lég. étr.* (1889) 978.

CONSTITUTION OF 1886[5]

[TRANSLATION]

TITLE II.—THE INHABITANTS: CITIZENS AND FOREIGNERS

Article 8. The following are Colombians:

(1) By birth:

Natives of Colombia, under one of two conditions, viz., that the father or mother shall also have been a native, or, in the case of children of foreigners, that they shall be domiciled in the republic.

The legitimate children of a Colombian father and mother, who are born in a foreign land and afterwards become domiciled in the republic, shall be

[1] Folleville, 652. [2] Zeballos, II, 4. [3] 68 *Br. and For. St. Papers*, 775.
[4] *Ann. de lég. étr.* (1889) 978. [5] Text from Cit. Bd. Report (1906) 292.

considered as Colombians by birth for the purposes of laws which require this qualification.

(2) By origin and residence:

Those who, being the children of a mother or father who are natives of Colombia, were born abroad and become domiciled in the republic; and any Spanish Americans who ask to be registered as Colombians before the municipal authorities of the place where they settle.

(3) By adoption:

Foreigners who request and obtain naturalization papers.

Article 9. The status of a Colombian citizen is lost by acquiring naturalization papers in a foreign country and establishing domicile therein, and it may be recovered in accordance with the laws.

Article 10. It is the duty of all citizens and foreigners in Colombia to live in submission to the Constitution and the laws, and to respect and obey the authorities.

Article 11. Foreigners shall enjoy the same rights in Colombia as are granted to Colombians by the laws of the nation to which the foreigner belongs, save the stipulations of public treaties.

Article 12. The law shall define the status of domiciled foreigners, and the special rights and obligations of those possessing this status.

Article 13. A Colombian who is caught bearing arms in a war against Colombia shall be tried and punished as a traitor, even though he has lost his citizenship.

Foreigners naturalized and domiciled in Colombia shall not be obliged to bear arms against the country of their origin.

Article 14. Companies or corporations which are recognized in Colombia as artificial persons shall not have any other rights than those belonging to Colombian persons.

Article 15. All male Colombians twenty-one years of age who practice some profession, art, or trade, or have some lawful occupation or other legitimate or known means of support, are citizens.

Article 16. Citizenship is lost *ipso facto* when nationality is lost.

Citizens also lose their status as such in the following cases, judicially declared:

(1) When they have entered the service of a nation at enmity with Colombia.
(2) When they have belonged to a faction which has arisen against the government of a friendly nation.
(3) When they have been condemned to suffer corporal punishment.
(4) When they have been removed from public office by a criminal judgment or one involving liability.
(5) When they have committed acts of violence, falsehood, or corruption in elections.

Those who have lost their citizenship may ask rehabilitation of the Senate.

Article 17. The exercise of the rights of citizenship is suspended for the following causes:

(1) Well-known mental alienation.
(2) Judicial interdiction.
(3) Habitual drunkenness.
(4) Criminal prosecution, as soon as the judge issues a warrant of arrest.

Article 18. The status of a citizen entitled to exercise all rights as such is an essential prerequisite to the exercise of the rights of suffrage and to the right to hold public offices which confer authority or jurisdiction.

Article 120. It shall be incumbent upon the President of the republic, as the chief executive officer of the nation: . . .

19. To issue letters of naturalization in conformity with the laws.

LAW 145, OF NOVEMBER 26, 1888 [1]

[TRANSLATION]

Article 1. Those who do not come within the cases specified in Article 8 of the Constitution are aliens in Colombia.

Article 2. For the purpose of this law, aliens are classed as transients and domiciled.

Article 3. The foreigners who, while in the republic, have no domicile therein are *transients*.

Article 4. Aliens who reside in the territory of Colombia with the intent, expressed or implied, to remain in the country are *domiciled*.

Article 5. Express intent to stay is constituted by a formal declaration made by an alien before some political authority of the republic and in the presence of two witnesses, that he intends to establish his domicile in Colombia.

Article 6. The following circumstances mean implied intention to remain and to that extent are evidence of domicile:

(a) Voluntary and continuous residence in the territory for more than four years;
(b) Residence combined with holding of real property;
(c) Residence combined with the practice of trade in an established firm or of any other industry that cannot be called temporary.
(d) Marrying a Colombian woman and staying in the country for more than two years;
(e) Holding any public office, employment or assignment in the service of the government.

Article 7. Aliens who are domiciled must pay the public taxes of a general character, whether ordinary or extraordinary.

[1] Text from *Constitución y leyes usuales de Colombia* (Piñeres, 1917) 203.

Article 8. Transient aliens must pay the indirect duties.

Article 9. Aliens are subject to the Constitution, laws, jurisdiction and police of the republic.

Article 10. Aliens are not obligated to any service whatsoever by reason of war, except in exceptional cases acknowledged as such by the law of nations, and in that provided in Article 33 of the Constitution.

Article 11. The nation is not responsible to aliens for expropriations and other acts performed by the government or its agents, and in no case shall it indemnify for losses or injuries caused by such expropriations.

Article 12. An alien exercising elective functions or holding an office, employment or assignment carrying political authority or jurisdiction or taking part in sedition, rebellion or civil war, forfeits his right to the exemptions recognized by this law; and in cases where his acts bring responsibility upon him, the responsibility will be demanded of him in the same measure and manner as from the nationals.

Article 13. The government is authorized to expel from Colombian territory, whenever it deems it proper for public order, any alien who should meddle in the politics of the country.

Article 14. Since authorities of the republic are instituted for the protection and defense of all persons residing in Colombia, the property, rights and actions of the aliens shall be protected by the same judges, tribunals or administrative authorities that protect those of the nationals. There are excepted the cases in which, under treaties or recognized principles, aliens may enjoy a special forum.

Article 15. Superseded (Articles 42 and 43, Law 110 of 1912, Fiscal Code).

> Article 42. Ibidem. Contracts entered into in Colombia with aliens are subject to the Colombian law and to the jurisdiction of the national courts.
>
> In all contracts of that kind it must be stated that the alien waives any diplomatic claim in what has to do with the duties and rights springing from the contract save in the case of denial of justice.
>
> It is not understood that there is denial of justice when the party of the contract has exhausted the recourses and remedies which, under the laws of Colombia, may be used before the judiciary.
>
> Article 43. Ibidem. The government may not accept the transfer of a contract or a concession to an alien unless the said alien expressly declares that he subjects himself to the provision in the foregoing article.

Article 16. In accordance with section 3 of Article 8 and section 19 of Article 120 of the Constitution, the government may issue letters of citizenship or naturalization to aliens who apply therefor.

Article 17. With the husband at the head, his wife and children less than twenty-one years old will be naturalized.

Article 18. Application for a letter of naturalization shall be made to the

Executive Power through a memorial in which the applicant shall declare the state of which he is a native and the government of which he is a subject; and also the number, names, age and sex of the persons he has with him and to whom the naturalization is to extend in accordance with Article 17 of this law.

This memorial shall be addressed to the Minister of Foreign Relations by the government of the department where the applicant resides.

Article 19. The Governor, immediately upon receiving the letter of naturalization signed by the person in charge of the Executive Power, will require the applicant, in order to deliver it to him, to swear (or make a solemn affirmation if his religion should not permit the taking of an oath) that he renounces forever any ties binding him to any other government and will support and comply with the Constitution and the laws of the republic.

Article 20. When Spanish-American persons ask to be registered as Colombians in accordance with section 2 of Article 8 of the Constitution, a document will be drawn up on ordinary paper signed by them, the President and Secretary of the municipality concerned and in which the following shall be stated:

(a) The state of which the applicant is a native and the government of which he considers himself to be a subject;
(b) That he has taken the oath or made the affirmation referred to in Article 19;
(c) The number, names, age and sex of the persons depending on him and to whom naturalization is to be extended.

Article 21. Municipalities shall not comply with the foregoing Article unless authorized thereto by the government to which they shall previously state the circumstances of the applicant.

Article 22. In the Department of Foreign Relations there shall be kept a record of the names and circumstances of the aliens naturalized in Colombia.

Article 23. Superseded. (Decree No. 894 of 1915 concerning stamped paper and national stamps).[1]

Article 24. The provisions of this law are subject to such restrictions as may flow from Article 11 of the Constitution and from the public treaties and conventions.

Article 25. This law repeals the provisions of the same nature that are in conflict with it.

[1] See in that decree: Letters. For the naturalization of aliens. . . . $10.

COSTA RICA

EDITORS' NOTE. The first Constitution after Costa Rica's independence, that of 1848, was revised on December 7, 1861, and again on December 7, 1871. Although the Constitution of 1871 has been revised at different dates[1] the provisions governing nationality have not been modified. The law of December 20, 1886[2] was approved and reproduced by the decree of May 13, 1889,[3] now in effect, except for Article 15. This article provided that foreigners, without losing their nationality, might establish their residence in the republic.[4] It also dealt with the expulsion of certain foreigners. Foreigners residing in Costa Rica need not be naturalized.[5]

BIBLIOGRAPHY: Clunet (1917) 827; Lehr, 59; Zeballos, II, 9.

For the text of the Constitution, in Spanish, see *Constitución política de la República de Costa Rica* (1922); in English, see Cit. Bd. Report (1906) 294; in French, see *Répertoire général alphabétique du droit* (1894) XV, 30. For the text of the law of December 20, 1886, in French, see *Ann. de lég. étr.* (1887) 869. For the text of the law of December 21, 1886, in English, see 77 *Br. and For. St. Papers*, 724. For the text of the decree of May 13, 1889, in English, see Cit. Bd. Report (1906) 295.

CONSTITUTION OF DECEMBER 7, 1871[6]

[TRANSLATION]

TITLE II

FIRST SECTION.—REGARDING COSTA RICANS

Article 4. Costa Ricans are native-born or naturalized.

Article 5. The following are native-born:

(1) Those born in the territory of the republic, except those who, being children of an alien father or mother, must follow that condition in conformity with the law.

(2) The children of a Costa Rican father or mother, born outside of the territory of the republic and whose names are inscribed in the civic register at the desire of their parents, while they are less than twenty-one years of age, or at their own desire after they reach that age.

(3) The children of an alien father or mother, born in the territory of the republic, who after completing twenty-one years are inscribed in the civic register at their own desire, or at the desire of their parents before said age.

(4) The inhabitants of the Province of Guanacaste who have definitely established themselves therein from the time of its incorporation in this republic up to the Treaty of April 15, 1858, celebrated with the Republic of Nicaragua, are likewise native-born.

[1] 1882, 1886, 1894, 1897, Zeballos, II, 9; and 1924, 1926.
[2] *Ann. de lég. étr.* (1887) 869; 77 *Br. and For. St. Papers*, 724.
[3] Post.
[4] Cit. Bd. Report (1906) 295.
[5] Communication of the legation of Costa Rica in Paris, Clunet (1917) 827.
[6] Text from Cit. Bd. Report (1906) 294.

Article 6. The following are naturalized:

(1) Those who have acquired this quality by virtue of the previous laws.

(2) The alien wife married to a Costa Rican

(3) The children of other nations who, after a year's residence in the republic, obtain the respective letters.

Article 7. The quality of Costa Rican is lost and recovered for the causes and by the means determined by the law.

Article 8. The duties of Costa Ricans are to observe the Constitution and the laws, to serve the country, to defend it, and to contribute for the public expense.

SECOND SECTION.—REGARDING CITIZENS

Article 9. Costa Rican citizens are all the native-born persons of the republic, or those naturalized therein, who have completed twenty years, or eighteen if they are married or professors of any science; provided that the one and the other possess furthermore some property or honest employ, the profit or gain of which is sufficient to maintain them in proportion to their condition of living.

Article 10. The exercise of citizenship is suspended, lost and recovered for the causes determined by the law.

Article 11. Those who have lost their citizenship, except for treason against the country, may be reinstated upon giving legal motive for the granting of pardon.

DECREE OF JULY 6, 1888[1]

[TRANSLATION]

Article 3. The native of any of the Republics of Guatemala, Honduras, Salvador and Nicaragua shall be held as of Costa Rican origin if he unites the two following conditions:

(1) If expressly, by written declaration before the political authority of the place of their residence, or tacitly, by the acceptance of a public office, he manifests his intention to become a Costa Rican; and

(2) If the nation of which he is a national grants to Costa Ricans the same facilities for naturalization.

LAW OF MAY 13, 1889[1]

CONCERNING ALIENSHIP AND NATURALIZATION

[TRANSLATION]

Article 1. The following are Costa Ricans by origin:

(1) The legitimate child of a Costa Rican father, whatever be the place in which he was born.

[1] Text from enclosure with Despatch No. 54, December 10, 1924, from the American Minister to Costa Rica to the Secretary of State.

(2) The illegitimate child of a Costa Rican mother, whatever be the place of his birth.
(3) The illegitimate child of an alien mother, recognized by a Costa Rican father.
(4) The child born or found in the territory of the republic whose parents or nationality are unknown.
(5) The inhabitants of the Province of Guanacaste who definitely established themselves therein from the time of its incorporation in this republic (December 9, 1825) up to the Treaty of April 15, 1858, celebrated with Nicaragua.
(6) The children of an alien father, born in the national territory, who after completing twenty-one years are inscribed in the civic register of their own accord, or at the desire of their father, or lacking him, of their mother, before completing said age.

Article 2. Children less than twenty-one years of age, of a Costa Rican father, who have lost their nationality, may upon coming of age claim the quality of Costa Ricans by so declaring before the diplomatic agents or consuls of the republic, if they reside abroad, or before the Ministry for Foreign Affairs, if they reside in national territory. If they reside in the republic and upon coming of age have accepted any public employ or have served in the national army or navy, they shall be considered as Costa Ricans, without necessity of further formalities.

The same shall be understood with regard to the natural children of a Costa Rican mother, who have lost their nationality and who have not been recognized by an alien father.

Article 3. The following are naturalized Costa Ricans:

(1) Aliens who acquire or have acquired Costa Rican citizenship in conformity with the law.
(2) Costa Ricans who have lost their national character and who recover it.
(3) The alien woman who marries a Costa Rican, a quality which she retains even in widowhood.

Article 4. The following lose their Costa Rican nationality:

(1) Costa Ricans who naturalize themselves in a foreign country.
(2) Those who accept public offices, titles or decorations conferred by a foreign government, without the consent of the national government, excepting literary, scientific or humanitary titles, which may be freely accepted.
(3) Those who without the permission of the government take military service in a foreign nation, or who enlist in a foreign military corps.
(4) The minor illegitimate child of a Costa Rican mother upon recognition by his alien father, with the consent of the mother.
(5) The Costa Rican woman who marries an alien, a quality which she retains even in widowhood, except in case she does not acquire the nationality of her husband according to the laws of the latter's country, since in this case she will retain her own.

Article 5. The Costa Rican who has lost his nationality may regain it:

(1) If he finds himself in case 1 of the previous article, by returning to the territory of the republic, if he is abroad, and declaring before the Ministry for Foreign Affairs that he desires to settle in Costa Rica and that he renounces his foreign nationality.
(2) If he finds himself in case 2, by expressly declaring before the Ministry for Foreign Affairs that he has renounced the office, title or decoration which was conferred upon him by the foreign government.
(3) If he finds himself in case 3 of the same article, by petitioning the government for permission to return to the territory of the republic, and if this is granted, by returning to Costa Rica for the purpose of fulfilling the requisites demanded of an alien who desires to naturalize himself.
(4) If he finds himself in case 4, by declaring, upon coming of age, before the Ministry for Foreign Affairs that he opts for Costa Rican nationality, or before that age, by his father's inscribing him in the civic register.
(5) In case 5 the widow, upon the dissolution of the matrimony, may return to the territory of the republic and declare before the Ministry for Foreign Affairs that she desires to settle in the republic and that she renounces her foreign nationality.

Article 6. The change of nationality of the husband, occurring during matrimony, brings about the change of the nationality of the wife, if according to the laws of the country whose nationality the husband adopts the wife follows his condition.

Article 7. The rule that the child conceived is deemed born for all purposes which profit him may be invoked by any person who desires to acquire or retain Costa Rican nationality.

Article 8. Any alien may naturalize himself in the republic who proves:

(1) That he is of age according to the laws of his country;
(2) That he has a profession, employ or income with which to live;
(3) That he has resided in the republic at least one year and that he has observed good conduct.

Article 9. Naturalization papers will not be granted to the citizens or subjects of a nation with which the republic is in a state of war, nor to those who have been judicially declared in other countries to be pirates, slave traders, incendiaries, counterfeiters of coins or banknotes or other documents of public credit; nor to assassins, kidnappers (*plagiarios*), and thieves.

Naturalization fraudulently obtained by an alien is null and void.

Article 10. The alien who desires to naturalize himself shall apply in person or through a specially authorized attorney to the Ministry for Foreign Affairs, and shall make known his purpose of becoming a Costa Rican citizen and of renouncing his nationality.

This petition shall be transmitted to the Governor of the province or dis-

trict in which the alien has resided, in order that he may take declarations of three or more witnesses relative to the points enumerated in Article 8.

The report having been concluded and returned to the Ministry for Foreign Affairs, if it is favorable to the petitioner and if there is no legal obstacle, the government shall grant the naturalization papers. In the contrary case it shall refuse them. Either decision shall be published in the official paper.

The provisions of this article do not include the aliens who are naturalized by virtue of the law. Nor does it include those who have the right to claim or opt for Costa Rican nationality, for whom a simple declaration made before the diplomatic officers or consuls of the republic abroad, or before the Ministry for Foreign Affairs, is sufficient.

Article 11. The naturalization of an alien is without effect by reason of his residence in the country of his origin during two consecutive years, unless such residence is caused by the fulfillment of an official commission of the Government of Costa Rica, or with the latter's permission.

Article 12. Change of nationality does not have a retroactive effect.

Article 13. Naturalized citizens have the same right as the native-born to the protection of the government of the republic. Nevertheless, if they return to the country of their origin, they are subject to the responsibilities which they would have incurred prior to their naturalization.

They have the same rights and obligations as citizens of origin, but they shall be incompetent to fill those offices or employs for which, in conformity with the law, nationality by birth is demanded.

Article 14. Aliens enjoy the rights set forth in Article 12 of the Constitution, and of such others as, in the respective case, are fixed by treaties with foreign nations.

Article 15. (Suppressed by law of May 13, 1889.)[1]

Article 16. Aliens are obligated to contribute to the public expenses in the manner provided by the laws, and to obey and respect the institutions, laws and authorities of the country, submitting themselves to the decisions and sentences of the tribunals, without being able to make use of other recourses than the laws grant to citizens. They may only appeal to diplomatic channels in case of denial of justice or voluntary delay in its administration, after having exhausted without avail the common recourses created by the laws, and in the manner determined by international law.

Article 17. Aliens do not enjoy the political rights which appertain to citizens; consequently they may neither vote nor be voted for for any office of popular election, nor be appointed to any other employ or commission which confers civil or political authority or jurisdiction; nor may they associate for the purpose of intervening actively in the militant politics of the republic or take any part therein; nor may they exercise the right of petition in this class of affairs.

Article 18. Aliens are exempt from military service; those who are domi-

[1] See Editors' Note, ante, p. 184.

ciled are obligated, nevertheless, to do police service when it is a question of the safety of property and the preservation of order of the same town in which they are resident.

Article 19. The stipulations of international treaties relative to citizenship, alienship, naturalization, rights and obligations of aliens, remain unprejudiced.

LAW OF JUNE 29, 1909[1]

CONCERNING ALIENSHIP AND NATURALIZATION

[TRANSLATION]

For the effects of Article 10 of the Law of Alienship and Naturalization at present in force, it shall be understood that the alien who desires to naturalize himself applies to the Ministry for Foreign Affairs, either when he appears personally in said ministry or when he does so in writing, complying with the formalities established by Article 1095 of the Code of Civil Procedure.[2] When the presentation is made in this latter form, the Governor of the province or district who is to conduct the investigation shall previously cause the alien to appear for the purpose of stating that he renounces his citizenship and that he has actually made petition for Costa Rican naturalization papers. After carrying out this procedure the Governor shall proceed with the inquiry ordered by the law.

LAW OF JUNE 29, 1909[3]

CONCERNING INSCRIPTION OF CENTRAL AMERICAN NATIONALS

[TRANSLATION]

Article 1. Nationals of the Republics of Salvador, Guatemala, Honduras and Nicaragua, who, by virtue of Article 3 of the decree of July 6, 1888, and Article 4 of the General Treaty signed in Washington on January 22, 1908, desire to adopt Costa Rican citizenship, must comply with the following requirements:

(a) Present in person a written and signed petition to the Governor or Chief of Police of their residence.

[1] Text from enclosure with Despatch No. 54, December 10, 1924, from the American Minister to Costa Rica to the Secretary of State.

[2] Article 1095 of the Code of Civil Procedure: In order that a written document be admitted, it is necessary that the petitioner have signed it and presented it; and if he himself does not present it, that his signature be authenticated by that of a lawyer.

If he does not know how to write, another person should sign at his request and the document be presented by the party himself; and if the presentation is not made in this manner, the signature of a lawyer must likewise appear. This signifies that that of the signer is authentic and that it was given at the request of the petitioner.

[3] Text from enclosure with Despatch No. 54, December 10, 1924, from the American Minister to Costa Rica to the Secretary of State.

(b) Prove their nationality with a trustworthy document. If these documents are lacking, the Governor or Chief of Police shall institute an investigation upon previous notice to the government attorney.

Article 2. After completing the above formalities, an act of ratification shall be drawn up, which shall be signed by the Governor or Chief of Police and the petitioner, in which shall appear the Christian name and surname of the latter, the Christian names and surnames of his parents, with the place of birth, age, civil state, occupation, domicile and means of subsistence.

The above act shall be transmitted to the Ministry for Foreign Affairs by the political authority for the purposes of registry and publication.

Article 3. When a Central American citizen accepts a public office, the ministry which makes the appointment shall communicate it by note to that for Foreign Affairs, which shall cause the respective registry and publication.

Article 4. For the purposes of registry the Governors and Political Chiefs shall send to the Ministry for Foreign Affairs as soon as possible all the records of naturalization of Central American citizens which exist in their offices.

CUBA

EDITORS' NOTE. By the royal decree of July 31, 1889, the Civil Code of Spain of 1888–1889 was declared applicable to Cuba.[1] This code, which still constitutes the Civil Code[2] in Cuba, except as modified by the Constitution of February 21, 1901, provides for nationality[3] in Articles 17 to 28. The amendments of the Constitution of 1901, in 1928 did not change the provisions relating to nationality.

The law of October 30, 1902[4] provided for the recording of acts realting to Cuban nationality. The law of November 21, 1902[5] fixed the date on which the law of October 30, 1902 went into force. Rules for petitions of naturalization were enacted by a presidential decree of June 3, 1903.[6] By a presidential decree of the same date,[7] the decree of October 30, 1902 was amended as to certain necessary documents. The provisions of paragraph 1 of the decree of December 15, 1902 were modified by Presidential Decree No. 174 of April 21, 1905. Decree No. 882 of May 28, 1908[8] dealt with registration of naturalized Cubans. The law of October 30, 1902 was amended by Decree No. 859 of August 26, 1908.[9]

BIBLIOGRAPHY: Arbo, *Ciudadanía y naturalización* (1925), *passim;* Lehr, 63; Olivart, *La nacionalidad de los cubanos* (1907); Zeballos, II, 14.

For the text of the law of October 30, 1902, in French, see *Ann. de lég. étr.* (1904) 457. For comment on the law of June 3, 1903, see *Ann. de lég. étr.* (1904) 460. For comment on the law of April 21, 1905, see *Ann. de lég. étr.* (1905) 630. For comment on the decree of May 28, 1908, see *Ann. de lég. étr.* (1908) 747. For the text of the Constitution, in French, see Clunet (1917) 1133.

CONSTITUTION OF FEBRUARY 21, 1901[10]

[TRANSLATION]

CHAPTER II.—RELATING TO CITIZENSHIP

Article 4. Cuban citizenship may be acquired by birth or by naturalization.

Article 5. Cubans by birth are the following:

(1) Those born, within or outside of the territory of the republic, of Cuban parents.

(2) Those born in the territory of the republic of foreign parents, provided that, having reached their majority, they register themselves as Cubans in the proper registry.

(3) Those born abroad of native parents of Cuba who have lost their Cuban nationality, provided that, upon reaching their majority, they register themselves as Cubans in the same registry.

[1] Lehr, 63.
[2] Cit. Bd. Report (1906) 298, 300.
[3] For the effect of the American occupation on nationality, see *Rev. gén. de dr. int. pub.* (1899) 625.
[4] *Ann. de lég. étr.* (1904) 457.
[5] Cit. Bd. Report (1906) 303.
[6] *Ann. de lég. étr.* (1904) 460.
[7] Cit. Bd. Report (1906) 304.
[8] *Ann. de lég. étr.* (1908) 747.
[9] Post.
[10] Text from enclosure with Despatch No. 309, June 18, 1928, from the American Consulate General at Habana to the Secretary of State.

Article 6. Cubans by naturalization are the following:

(1) Foreigners who, having served in the Army of Liberation claim Cuban nationality within six months after the promulgation of this Constitution.

(2) Foreigners who, established in Cuba before January 1, 1899, having retained their residence since that date, provided that they claim their Cuban nationality within the six months following the promulgation of this Constitution, or, if minors, within the same period after they have reached their majority.

(3) Foreigners, who, after five years of residence in the territory of the republic, and not less than two years after they declared their intention of acquiring Cuban nationality, may obtain naturalization certificates in accordance with the laws.

(4) Spaniards residing in the territory of Cuba on April 11, 1899, who have not been registered as Spanish citizens in the proper registers, prior to the same month and day of 1900.

(5) Africans, who have been slaves in Cuba, and the freed men comprised in Article 13 of the Treaty of June 28, 1835, celebrated between Spain and England.

Article 7. Cuban citizenship may be lost:

(1) By acquiring foreign citizenship.
(2) By accepting employment or honors from another government without the permission of the Senate.
(3) By entering the military service of a foreign nation without the same permission.
(4) By a naturalized Cuban residing five continuous years in the country of his birth, for another reason than that of being employed or commissioned by the government of the republic.

Article 8. Cuban citizenship can be recovered in accordance with the provisions of the laws.

Transitory Provisions

Second

Natives of Cuba or the children of natives of Cuba who, at the time of the promulgation of the Constitution, were citizens of some foreign state, cannot enjoy Cuban nationality without renouncing, beforehand and expressly, the citizenship which they held.

Third

The length of time which the foreigners have served in the wars for the independence of Cuba, shall be counted as time of naturalization and of residence for the acquisition of the right which Article 49 (1) grants to naturalized citizens.

CIVIL CODE OF 1888–1889[1]

[TRANSLATION]

Article 17. Cuban citizens are native-born or naturalized:

Native-born Cubans are:

Those born of Cuban parents within or without the territory of the republic.

Those born within the territory of the republic of foreign parents, provided that on becoming of age they claim the right of inscription as Cubans in the proper register.

Those born in foreign countries of native-born parents, who have forfeited their Cuban nationality, provided that on becoming of age they claim their inscription as Cubans in the same register.

Naturalized Cubans are:

Foreigners who, having served in the Liberating Army, may claim Cuban nationality within six months following the promulgation of this Constitution.

Foreigners established in Cuba prior to January 1, 1899, who may have retained their residence after said date, provided they claim Cuban nationality within the six months next following the promulgation of this Constitution, or, if minors, within a like period after they shall have attained their majority.

Foreigners who, after five years residence in the territory of the republic and not less than two years from the time that they declared their intention of acquiring Cuban citizenship, may obtain their letters of naturalization in conformity with the laws.

Spaniards residing in the territory of Cuba on the 11th day of April, 1899, who may not have registered as such in the proper registers prior to the same month and day of 1900.

Africans who may have been slaves in Cuba, and those who were emancipated and comprised in Article 13 of the Treaty of June 28, 1835, entered into by Spain and England.

Article 18. Children, while they remain under the parental authority, have the nationality of their parents.

Article 19. Acts by virtue of which Cuban nationality is acquired, lost or recovered shall be made to appear by means of registration in the Bureau of Citizenship of the Registry of Civil Status.

Persons included in the cases mentioned in paragraphs 2 and 3 of Article 5 of the Constitution and the Second Transitory Provision thereof, who reside abroad, shall make use of the right thereby granted to them before the diplomatic or consular agent of Cuba nearest the place of their residence. (Article 1 of the Act of October 30, 1902, according to Decree 859 of 1908.)

[1] Text from Ludlow, *The Spanish Civil Code in Force in Spain, Cuba and Porto Rico* (Habana, 1899).

In cases where the birth of the parties, of their spouses or of their daughters shall have been registered in the Registry of Civil Status of this Island, or in the registry under the charge of the diplomatic or consular Agents, the acquisition, loss or recovery of Cuban citizenship shall be made by marginal note in the record of birth, to which end the officer in charge of the registry in which such acquisition, loss or recovery takes place, shall forward, within the term of fifteen days, counting from the date on which such acquisition, loss or recovery took effect, a certificate thereof to the officer in charge of the registry wherein such births appear. (Paragraph 3 of Article 3, of the said act.)

Article 20. Cuban citizenship is forfeited:

First. By acquiring foreign citizenship.
Second. By accepting employment or honors from another government without permission of the Senate.
Third. By entering the military service of a foreign nation without a like permission.
Fourth. By a naturalized Cuban residing five years continuously in his native country, except by reason of his being in the employ of or fulfilling a commission of the government of the republic.

Article 21. A Cuban who loses his citizenship by acquiring the nationality of a foreign country can recover it upon returning to the republic by declaring to the official in charge of the civil registry of the domicile which he elects that such is his wish, in order that the proper entry may be made, and by renouncing the protection of the flag of said country.

Article 22. A married woman follows the condition and nationality of her husband.[1]

A Cuban woman who marries a foreigner may, upon the dissolution of the marriage, recover Cuban nationality by complying with the requisites mentioned in the preceding article.

Article 23. Any Cuban who loses his citizenship by accepting employment from any other government, or by entering the armed service of a foreign power without the permission of the Senate, cannot recover Cuban nationality without previously obtaining the authorization of the Senate.

Article 24. Persons born abroad, of a Cuban father or mother, who may have lost Cuban nationality, may also recover it, provided that on becoming of age they claim their inscription as Cubans in the same register.

Article 25. The declaration of intention referred to in paragraph 3 of Article 6 of the Constitution shall be made before the officer in charge of the civil registry of the domicile of the party in Cuba; with the same formalities as in the case of registration. (Article 6 of the Act of October 30, 1902, amended by Decree 859 of 1908.)

In the registrations referred to in this decree, except declarations of inten-

[1] Amended by law of July 1, 1929, post, p. 199.

tion, it shall be stated that the parties renounce their former nationality, that they swear to comply with the Constitution of the Republic of Cuba and with the laws now or hereafter in force therein. (Article 9. Idem.)

Article 26. Cubans who change their domicile to a foreign country, where they may be considered as natives without other conditions than that of residence therein, shall be required, in order to preserve Cuban nationality, to state that such is their wish before the Cuban diplomatic or consular agent, who must record them in the registry of Cuban residents, as well as their spouses, should they be married, and any children they may have.

Article 27. Foreigners residing within the territory of the republic shall have the same right and obligations as Cubans—

First. As to protection of their persons and properties.
Second. As to the enjoyment of the rights guaranteed by section I of the following title, excepting those exclusively reserved to citizens.
Third. As to the enjoyment of civil rights under the conditions and limitations prescribed in the law of aliens.
Fourth. As to the obligations of respecting and obeying the laws, decrees, regulations, and all other enactments that may be in force in the republic.
Fifth. As to submission to the jurisdiction and decisions of the courts of justice and all other authorities of the republic.
Sixth. As to the obligation of contributing to the public expenses of the state, province and municipality. (Article 10 of the Constitution.)

Article 28. Corporations, institutions and associations recognized by law and domiciled in Cuba shall enjoy Cuban nationality provided they possess the character of judicial persons in accordance with the provisions of this code.

Associations domiciled abroad shall have in Cuba the consideration and the rights fixed in treaties or special laws.

LAW OF DECEMBER 15, 1902[1]

CONCERNING NATURALIZATION

[TRANSLATION]

1. Citizens of the Republic of Cuba by birth shall have the right to request from, and there shall be issued by, the Department of State and Justice a certificate showing their nationality, pursuant to the presentation of documents which show their right and by giving oath to being in possession of said political status. If they are included under subdivisions 2 and 3 of Article 5 of the Constitution, they shall prove that they have fulfilled the requirements of the law of October 30, 1902.[2]

[1] Text from enclosure with Despatch No. 1328, February 4, 1926, from the American Minister to Cuba to the Secretary of State.

[2] Amended by Decree No. 174, of April 21, 1905. Enclosure with Despatch No. 546, January 8, 1929, from the American Ambassador to Cuba to the Secretary of State.

2. Citizens of the Republic of Cuba who have obtained said citizenship by being under any of the cases included in Article 6 of the Constitution, and who show that they have fulfilled the requirements of the law of October 30, 1902, by registering in the proper civil registry, shall have the right to request from the Department of State and Justice the issuance of certificate of naturalization signed by the President of the republic and the same shall be issued pursuant to oath to the effect that they are in possession of said political status.

3. The oath referred to in the two foregoing articles shall be set forth in the petition in which the certificate of naturalization or of nationality is made and sworn to before a notary public, who shall certify as to the identity of the person and the genuineness of his signature.

4. The certificates and letters of citizenship issued in accordance with the provisions of the foregoing articles shall be sufficient proof of the nationality of the persons in whose favor they are issued.

LAW NO. 859, OF AUGUST 26, 1908[1]

[Translation]

Whereas, It is advisable to facilitate the inscription upon the civil register of the persons having the qualifications required by the Constitution to be Cuban citizens, either by birth or naturalization, in order that they may have proof of the enjoyment of such citizenship, which has been heretofore difficult in practice, for the reason that the law of October 30th, 1902, prescribed specific proof, especially for the inscription of the persons comprised in the fourth case of the sixth article of the Constitution, a proof which it has in many cases been impossible for them to produce; and,

Whereas, In order to facilitate the inscriptions referred to, it is indispensable to abolish the requirement of the production of specific proof and to establish in all cases in which the proof required by law cannot be produced, a declaration under oath, because such declaration is a sufficient guaranty as a means of proof in the absence of any other, in view of the grave liability incurred by a person affirming a false fact under oath, and in amending the law of October 30th, 1902, to this effect, it becomes necessary to suppress the provisions thereof which cannot be applied owing to the expiration of the time within which they were applicable,

I, Thomas H. Barry, availing myself of the powers vested in me as Provisional Governor of Cuba,

Resolve:

That the law of October 30, 1902 be, and the same is hereby, amended to read as follows:

[1] Text from enclosure with Despatch No. 3523, December 15, 1926, from the American Consulate General at Habana to the Secretary of State.

Article 1. The acts by virtue of which Cuban nationality is acquired, lost or recovered, shall be made a matter of record by inscription in the Section of Citizenship of the Register of Civil Status. The persons comprised in the cases referred to in the second and third subdivisions of Article 5 of the Constitution, and the second transitory provision thereof, residing abroad, shall exercise the rights granted thereby before the diplomatic or consular agent of Cuba nearest their place of residence.

Article 2. The inscriptions referred to in the preceding article shall be made with the following formalities and requisites:

First: Place and date of execution.
Second: Names and surnames of the officials authenticating them.
Third: Names, surnames and affiliation of the parties and of the witnesses to the act.

The witnesses referred to in the preceding paragraph shall be two, legally competent, and they shall testify to the truth of the circumstances to be embodied in the record.

Article 3. The persons interested must submit to the person in charge of the register their baptismal certificate or a certificate of birth, as may be proper, as also an abstract or certificate of marriage, if married, and the certificates of birth of their wives and children.

If it should not be possible to present the documents mentioned in the preceding paragraph, they must indicate the archives where they may be found and the approximate date thereof. In cases in which the birth of the persons interested, of their wives or of their children, should have been recorded in the Register of the Civil Status of this Island, or in the register under the charge of the diplomatic or consular agents, the acquisition, loss or recovery of Cuban citizenship shall be made by a marginal note opposite the record of birth, to which end the person in charge of the register in which the acquisition, loss or recovery mentioned is to be entered, shall, within a period of fifteen days from the date on which the acquisition, loss or recovery took place, forward a certificate thereof to the person in charge of the register where such births are entered.

Non-compliance with the provisions of the preceding paragraph shall cause the person in charge of the register, who is bound to forward such certificate, to pay a fine of ten to twenty-five dollars American currency.

Article 4. In the inscription mentioned in this decree, there shall be stated, if possible, the following circumstances:

First: The prior residence of the person interested.
Second: The names, surnames, nativity, residence, and profession or trade of the parents of the latter.
Third: The name, surname and nativity of his wife, if married.
Fourth: The names, surnames and nativity, residence and profession or trade of the parents of the latter.

Fifth: The names and surnames, nativity, residence of the children, stating whether any of them are emancipated; when it shall not be possible to express any of the circumstances mentioned, the reasons for such impossibility shall be stated in the record.

Article 5. In order that the minors referred to in the second subdivision of Article 6 of the Constitution may be registered as Cuban citizens when they attain majority, they must establish before the Keeper of the Civil Register of their domicile in Cuba, the residence required by such provision, by means of an authentic document, or the testimony of witnesses given in the form prescribed in Article 8 of this decree, and in the absence of such testimony, the statement of the person interested under oath shall be sufficient to prove said residence.

Article 6. The declaration of intention referred to in subdivision 3 of Article 6 of the Constitution must be made before the Keeper of the Civil Register of the residence of the person interested in Cuba with the same formalities as are required for the inscription.

Article 7. In order that the persons comprised in subdivision 4 of Article 6 of the Constitution may be registered as Cuban citizens, they must establish before the Keeper of the Civil Register of their residence in Cuba, that they are not recorded upon the Register of Spaniards established in accordance with the provisions of the Treaty of Paris of December 10, 1898, that they are of age, and that they resided on this Island on April 11, 1899. The proof of non-inscription upon the said Register of Spaniards must necessarily be adduced by means of a certificate issued by the official in charge of said register. The fact of majority and of residence shall be established by the testimony of witnesses taken under oath before the Keeper of the Civil Status, the witnesses stating that they resided on said date, April 11, 1899, in the same locality as the person seeking to establish these facts. In the absence of the evidence of witnesses mentioned, the statement, under oath, of the person interested shall be sufficient to establish the said questions of age and residence.

Article 8. In order that the persons comprised in subdivision 5 of Article 6 of the Constitution may be registered as Cuban citizens, they must establish before the Keeper of the Civil Register of their residence that they are included under the circumstances required in said subdivision, by means of sworn testimony of witnesses. In the absence of such testimony, the statement under oath of the person interested shall be sufficient to prove such circumstances.

Article 9. The inscription referred to in this decree, except those relating to declarations of intention, shall set forth that the persons interested renounce their previous nationality, that they swear to observe the Constitution of the Republic of Cuba, the laws at present in force in the republic, and those which may be enacted hereafter.

Article 10. The Keepers of the Civil Registers of the Island shall forward to the Department of State, a certificate of all records made in the books of the Section of Citizenship, and to the Direction and Inspection of Registration and Notarial Offices of the Department of Justice, a statement comprising all such records, classified according to the form prepared by said Direction and Inspection.

The diplomatic or consular agents shall forward to the Department of State a certification of the records referred to in the second paragraph of Article 1 of this decree for transcription upon the Register of the Civil Status of the last residence which the person interested may have had, or proposes to adopt on this Island.

The period for the transmission provided in the two preceding paragraphs shall be that of fifteen days from the day following that upon which the inscription or transcription in question took place. Non-compliance with this duty shall be administratively punished by the Department of State, or by the Department of Justice in a proper case.

Article 11. Persons who obtained credentials of Cuban citizenship by naturalization issued by the former Department of State and government shall be excepted from producing the proof required in Article 7 of this decree for the purpose of inscription upon the civil register.

The persons who had themselves registered upon the civil register in accordance with the provisions of Order No. 218 of 1901 are also excepted from having themselves again recorded upon said register in order to establish their condition as Cubans.

Article 12. All laws, decrees, orders and provisions opposed to the exception of the provisions of this decree are hereby repealed.

Article 13. This decree to take effect on and after the date of its publication in the Official Gazette.

LAW OF JULY 1, 1929 [1]

[Translation]

Article I. Article 22 of the Civil Code shall be amended as follows:

"Article 22. A Cuban woman marrying an alien will not forefeit her nationality by reason of her marriage."

Article II. This Law will begin its operation from the date of its publication in the Official Gazette of the Republic and supersedes any other provision standing in the way of its being complied with.

[1] Text from the Official Gazette, July 9, 1929, No. 8.

CZECHOSLOVAK REPUBLIC

EDITORS' NOTE. Law No. 121 of February 29, 1920,[1] in Chapter 1, paragraph 1, provided that a national of a foreign country cannot at the same time be a national of Czechoslovakia. Article 3 of the Constitutional Law of April 9, 1920 provides that, "The previous provisions as to the acquisition and loss of citizenship remain in force, in so far as they are not modified by this law." The provisions referred to are those of the laws of the former Austro-Hungarian Empire.[2] The importance of these provisions is lessened by the completeness of the law of April 9, 1920. Part of the Czechoslovak law of nationality is in the Constitution of February 29, 1920.

BIBLIOGRAPHY: Brustlein, *L'Indigénat dans les traités de paix* (1922) 34, 39; W. Joachim, "Das Staatsbürgerrecht in der Tchechoslowakischen Republik auf grund der Friedensvertraege," *Prager Archiv für Gez.* (1920) 21, 203; W. Kloubek, *Die Staatsbürgerschaft und das Heimatsrecht in der Tschechoslowakischen Republik* (Reichenberg, 1925); *Statni Občanstvi a Domovske Pravo* (Pamphlet, Prague, 1923).

For the text of the law of February 29, 1920, in French, see *Rev. de dr. int. pr.* (1921) 423. For the text of the Constitutional Law of April 9, 1920, in German, see Epstein, *Verfassungsgesetze der Tschechoslowakischen Republik* (1923) 657; Schätzel, *Wechsel der Staatsangehörigkeit*, 138; in French, see *Rev. de dr. int. pr.* (1921) 423. For comment, see *Ann. de lég. étr.* (1920) 282; Magnus, 118; Rauchberg, *Bürgerkunde der Tschechoslowakischen Republik* (1922) 119; Schwartz, 137.

CONSTITUTION OF FEBRUARY 29, 1920[3]

[TRANSLATION]

Article 4.—(1) Citizenship in the Czechoslovak Republic is single and uniform.

(2) The law regulates the conditions governing the acquisition, the rights and duties, and the termination of citizenship in the Czechoslovak Republic.

(3) A citizen or subject of a foreign state cannot at the same time be a citizen of the Czechoslovak Republic.

CONSTITUTIONAL LAW NO. 236, OF APRIL 9, 1920[4]

[TRANSLATION]

CITIZENSHIP

I. WHO IS A CZECHOSLOVAK CITIZEN

1. The following are Czechoslovak citizens:

(1) Beginning with October 28, 1918, persons who, not later than January 1, 1910, have acquired *Heimatrecht*[5] in the territory of the former Austro-

[1] *Rev. de dr. int. pr.* (1921) 423.
[2] See Editors' Notes under Austria and Hungary.
[3] Text from McBain and Rogers, 313.
[4] Text from the Compilation of the Laws and Decrees of the Czechoslovak Republic.
[5] See note 4, ante, p. 15.

Hungarian monarchy, now belonging to the Czechoslovak Republic, and which *Heimatrecht* they have possessed continuously since that time.

(2) Former citizens of the German Reich, who have their regular domicile in the territories which previously belonged to the German Reich and which devolve therefrom to the Czechoslovak Republic.

(3) Former German, Austrian, and Hungarian citizens, who were born in the territory of the Czechoslovak Republic as children of German citizens having their regular domicile in this territory or of Austrian or Hungarian citizens possessing *Heimatrecht* there, although the said persons, even at the time that this law became effective did not possess a domicile or *Heimatrecht* in the Czechoslovak Republic.

(4) Beginning with October 28, 1918, those who, before that date, possessed *Heimatrecht* in a community of the former Austro-Hungarian monarchy outside the territory of the Czechoslovak Republic and have become actual officials or employees of the Czechoslovak State or of a Czechoslovak state institution or enterprise.

2. With respect to persons, who were born or are born in the territory of the Czechoslovak Republic, it is assumed that they are Czechoslovak citizens, if it is not proved that by their birth they have acquired another citizenship.

II. Acquisition and Loss of Czechoslovak Citizenship

3. The previous provisions as to the acquisition and loss of citizenship remain in force, in so far as they are not modified by this law.

4. Another citizenship than that to which they are entitled according to the provisions of Article I of this law, may be chosen (opted) by:

(1) The citizens mentioned in 1, paragraph 1, if they possessed *Heimatrecht* in another part of the former Austro-Hungarian monarchy outside the territory of the Czechoslovak Republic immediately before they became members of a community in the territory mentioned in 1, paragraph 1.

(2) Foreigners, who possessed *Heimatrecht* in the territory mentioned in 1, paragraph 1, and after they immediately thereupon had acquired *Heimatrecht* in another community of the former Austro-Hungarian monarchy, situated outside the territory of the Czechoslovak Republic and the present Austrian and Hungarian States, became citizens of the state within the boundaries of which the present *Heimatgemeinde*[1] is situated.

The option is possible within the period of one year, and, in case 1, in favor of the state, in the territory of which the former *Heimatgemeinde*[1] lies, and in case 2, in favor of the Czechoslovak Republic.

(3) Citizens, who, according to their race and language are not Czechoslovaks.

(4) Foreigners who are Czechoslovaks by race and language, and have

[1] See note 1, ante, p. 16.

acquired citizenship in Italy, Poland, Austria, Rumania, in the Serbian-Croatian-Slovenian State, or in Hungary, only because they belonged by reason of *Heimatrecht* to a community of the former Austro-Hungarian monarchy, situated outside the territory of the Czechoslovak Republic.

The option is possible within the period of six months, and in case 3, in favor of Italy, Poland, Austria, Rumania, and Serbian-Croatian-Slovenian State, or Hungary, if in the state concerned, the majority of the population speaks the language of the optant or belongs to his race; in case 4, in favor of the Czechoslovak Republic.

For those belonging to a community in which a plebiscite is to take place, the period does not begin until the day on which a decision is made as to the state to which their community belongs.

(5) The citizens indicated in 1, paragraph 2.

(6) German citizens of Czechoslovak nationality who have their regular domicile in Germany; in case they have their regular domicile outside the German Reich and outside the Czechoslovak Republic, they are entitled to the right of option only if it does not conflict with the laws of the state in which they live, and if they have not previously acquired citizenship therein.

The option is possible within the period of two years, and, namely in case 5 for German citizenship, in case 6 in favor of the Czechoslovak Republic.

(7) The citizens mentioned in 1, paragraph 3.

These persons may, within the period of two years declare before the competent Czechoslovak authorities of their place of domicile that they abandon their citizenship in favor of that state, whose citizens they were immediately before, or which exercises sovereignty over that territory in which the community in question is situated.

5. The right of option (4) is exercised independently by persons over eighteen years of age. The option of the husband applies to a married woman, whose marriage has neither been legally annulled nor declared void.

The option of the father, or, in case there is no father, that of the mother applies to legitimate children up to eighteen years of age.

The option of unmarried mothers applies to illegitimate children up to eighteen years of age. If there are no parents, or if the illegitimate mother is married to a man who is not the father of the child, the legal representative opts in the name of the child.

The decision as to the requirements mentioned in the preceding paragraphs, relative to the option is determined by the day on which the option is exercised. The option, whether it is independent, whether it is made by the parents, the husband, or the legal representative, cannot be revoked.

The more specific provisions respecting the exercise of the option are fixed by the government, by decree.

6. The change in the citizenship of the persons concerned begins with the day of the option exercised according to regulation.

7. Persons who, after opting for the Czechoslovak Republic, transfer their regular domicile to the territory thereof within the period of twelve months from the day of option, will not be subject to any import tax for their personal property which they bring with them within this period to said territory.

8. Persons who have opted for a foreign citizenship, are required to transfer their domicile to the state which they have chosen, within a period of twelve months from the day of option. They are at liberty, however, to retain the property in their real estate located in this country, in conformity with the regulations which govern in the case of Czechoslovak citizens, and to take their personal property away with them without any export tax, within the period mentioned.

9. For persons who have not acquired *Heimatrecht* mentioned in 1, paragraph 1, until after January 1910, and were previously entitled to *Heimatrecht* in a community situated in the territory of the former Austro-Hungarian monarchy, outside the territory of the present Czechoslovak Republic, the government fixes by decree the period within which they may file an application for concession of Czechoslovak citizenship. Until a decision is made in regard thereto or until the expiration of the period, they are considered as citizens of the Czechoslovak Republic.

10. Persons who have not acquired *Heimatrecht* until after the first of January 1910, in that territory of the former Austro-Hungarian Empire, which belongs at present to the Serbian-Croatian-Slovenian State, and who, immediately before, possessed *Heimatrecht* in a community which is situated in the territory mentioned in 1, paragraph 1, acquire Czechoslovak citizenship, if they do not apply for Serbian-Croatian-Slovenian citizenship within the period fixed by the Serbian-Croatian-Slovenian Government, or if the requested Serbian-Croatian-Slovenian citizenship is refused them. The persons referred to acquire Czechoslovak citizenship on the day on which the period mentioned in the preceding paragraph expires, or on the day on which they are advised of the rejection of their application.

11. Persons who

(a) belong by reason of *Heimatrecht* in a community which is situated in the territory of the former Austro-Hungarian Empire ceded to Italy by the peace treaty, who, however, were not born there, or
(b) have acquired *Heimatrecht* in a community referred to under (a) solely on the basis of their official position or not until after May 24, 1915,

become at once citizens of the Czechoslovak Republic, in case that immediately before the acquisition of *Heimatrecht* in the territory referred to under (a), they were entitled to *Heimatrecht* in a community situated in the territory of the Czechoslovak Republic, if they do not, within the period of a year, file an application with the competent Italian authorities for the con-

cession of Italian citizenship, or if they file the application in time, but it is rejected.

12. Czechoslovak citizens who

(a) belonged by virtue of *Heimatrecht* to a community referred to in 11, letter a, or whose father or, if the father is not known, whose mother, belonged in a community there, or who

(b) during the present war have served in the Italian army, or their descendants, cease to be Czechoslovak citizens, if they file application with the competent Italian authorities, within a year, for concession of Italian citizenship and their application is approved.

Heimatrecht

13. The previous provisions relative to the acquisition and loss of *Heimatrecht* remain in force in so far as they are not modified by this law.

For the obligation of the community to receive persons into the *Gemeindeverband*, the provisions of the law of December 5, 1896, Official Bulletin No. 222, are, however, valid in the former Hungarian territory.

14. If a person who, according to the provisions of this law, has become a Czechoslovak citizen or becomes one, possesses no *Heimatgemeinde* in the territory of the Czechoslovak Republic, he acquires *Heimatrecht* in the community of his legitimate father or his illegitimate mother. If there is no such community, he acquires it in that community in which he or his ancestors just mentioned last had a regular domicile. If there is no such community either, then he acquires it in that community of the territory mentioned, where he himself or his ancestors just mentioned were born.

If his *Heimatgemeinde* cannot be determined even in this manner, he is entitled to *Heimatrecht* in the community where he first settles, after his return from a foreign country, as in his regular domicile.

15. The persons mentioned in 1, paragraph 4, have *Heimatrecht* in the community in which the regular official headquarters or service headquarters is assigned to them. If this place is outside the territory of the Czechoslovak Republic, the said person acquires *Heimatrecht* in Prague.

General Provisions

16. Wives follow their husbands, and children up to the age of eighteen years, their parents, according to Article 5 of this law in all cases to which this law applies. This provision, however, does not apply to the cases of 1, (under) 4, and 15.

17. Members of the Hapsburg-Lothringen family cannot acquire citizenship and *Heimatrecht* in the territory of the Czechoslovak Republic.

Their former citizenship and their former *Heimatrecht* in this republic is extinguished.

18. The government is empowered to regulate by decree conditions as to citizenship and *Heimatrecht* pending a general new legal regulation for the

territory which has devolved to the Czechoslovak Republic according to the peace treaty with Germany.

19. The government is empowered to enter into an agreement with the governments of the states concerned, with respect to details for the enforcement of this law.

20. This law becomes effective, with respect to relations with the states formed from the territory of the former Austro-Hungarian Empire, on the day on which the peace treaty concluded with Austria on September 10, 1919, at St. Germain-en-Laye becomes effective, but with respect to relations with the German Reich, on the day on which the peace treaty concluded with the German Reich at Versailles on June 28, 1919, becomes effective.

On these days the periods begin in particular for which no other day is designated by this law as the beginning thereof.

The days just mentioned are made known by means of a government proclamation published in the compilation of laws and decrees.

21. The Minister of the Interior is charged with the enforcement of this law.

CONSTITUTIONAL LAW NO. 152, OF JULY 1, 1926 [1]

CONCERNING THE ADMISSION OF CERTAIN PERSONS TO CZECHOSLOVAK CITIZENSHIP

Section 1.—(1) Citizens of former Hungary who have resided uninterruptedly for at least four years prior to January 1, 1910, in a community of Slovakia or Subcarpathian Russia and against whom said community has not raised, during that time, any objections under section 9 of Article XXII/1886, are entitled to be admitted to Czechoslovak citizenship, provided they have resided uninterruptedly from the expiration of the said four years until the filing of their application in territory now forming a part of the Czechoslovak Republic and it has not been proved that in that time they have acquired *Heimatrecht* in a community situated outside such territory or the right of citizenship elsewhere than in the Czechoslovak Republic, if they present to the proper office (section 4) an application for admission to Czechoslovak citizenship within five years after this law has taken effect.

(2) The period of permanent residence under the preceding paragraph shall not be considered as interrupted by the time spent by the respective person

(a) in military service prior to June 1, 1919, provided such service was not a professional service, or in performing a duty imposed on such person by the law concerning war activities,

(b) in captivity, as a hostage, or in internment during or after the world war,

[1] Text from the Compilation of Laws and Decrees of the Czechoslovak Republic, 1926, p. 639.

(c) in serving with the Czechoslovak army,
(d) in seeking temporary employment.

(3) The aforesaid right may not be asserted by those persons

(a) who have committed a crime against the security of the Czechoslovak Republic, or
(b) who have voluntarily left the territory of the Czechoslovak Republic and shown themselves hostile to the Republic,
(c) who have been lawfully banished from the territory of the Czechoslovak Republic,
(d) who have performed official functions in the interest of a foreign state after October 28, 1918,
(e) who refused to take the oath of allegiance under section 2 of the law of December 10, 1918, No. 64 of the Coll. of laws and ordinances, and were consequently removed from their official positions and have not been reinstated.

Section 2.—(1) Married women whose marriage has not been dissolved or annulled by the courts shall, in respect of citizenship acquired under this law, follow the status of their husbands, legitimate or legitimated children shall follow the status of their father or, in his absence, that of their mother, illegitimate children that of their mother.

(2) The residence of a deceased husband prior to January 1, 1910, and since that time (section 1) shall be considered as the residence of the widow when she files an application under this law for admission to Czechoslovak citizenship.

(3) The residence of a deceased father, or a deceased widowed mother, or a deceased illegitimate mother, prior to January 1, 1910, and since that time (section 1) shall be considered as the residence of the children (legitimate, illegitimate, or legitimated) when they file an application under this law for admission to Czechoslovak citizenship. In case such children are minors, the application shall be filed by their legal representative.

(4) When the children mentioned in the preceding paragraph, or their legal representative, file an application for admission to Czechoslovak citizenship under this law, the time of their parent's residence (section 1) is to be reckoned as time of their own residence (section 1) even if such parent is still alive and does not apply for admission to citizenship.

Section 3.—For the persons admitted to Czechoslovak citizenship under this law the Ministry of the Interior shall, at the time of such admission or of the issuance of a certificate under paragraph 5 of section 4, determine their *Heimatrecht* according to the principles of section 14 of the law of April 9, 1920, No. 236, Coll. of laws and ordinances.

Section 4.—(1) Applications for admission to Czechoslovak citizenship under this law shall be filed with the administrative office of the second instance (county office) in the jurisdiction of which the applicant resides.

(2) The application shall contain or indicate:

(a) the name, surname, occupation, residence, of the applicant,
(b) the place and day of the birth of the applicant,
(c) the names and personal conditions of the wife and children of the applicant,
(d) the time of residence of the applicant since January 1, 1906, or of the persons whose time is to be credited to him,
(e) the time spent as specified in paragraph 2 of section 1,
(f) a declaration by the applicant, signed in his own hand, that since January 1, 1906, he has not acquired either citizenship or domicile outside the territory of the Czechoslovak Republic,
(g) a declaration by the applicant that he applies for admission to Czechoslovak citizenship under this law,
(h) when these statements are not attested by public documents, the application shall indicate sources of evidence which the party wishes to be used.

(3) The administrative office of the second instance (county office) shall immediately submit such application, made out in conformity with the provisions of the preceding paragraph, to the Ministry of the Interior. When an application does not conform to the provisions of the preceding paragraph, the administrative office of the second instance shall return such application to the party for amendment. In case the party fails to amend the application within a reasonable time specified by the office, the application shall be considered withdrawn. A withdrawn application may be renewed.

(4) When the statements made in the application are not attested by trustworthy documents, the office shall investigate and ascertain the conditions of admission to Czechoslovak citizenship and for that purpose may examine witnesses or the party under oath and make use of any sources of evidence according to the principles of the code of civil procedure. When uninterrupted residence (sections 1 and 2) has been established or at least shown to be probable, the application may be rejected only for the nonexistence of the other conditions for the admission to Czechoslovak citizenship as specified in this law.

(5) When the application has not been withdrawn and the Ministry of the Interior fails to announce a final decision within two years from the day of the filing of the application with the administrative office of the second instance (county office), the applicant shall be considered as having been admitted to Czechoslovak citizenship. An official certificate to that effect shall immediately be issued by the offices above mentioned on request of the party.

Section 5.—The fact that the applicant has been lawfully denied the recognition of his alleged Czechoslovak citizenship or admission to such citizenship before this law has taken effect shall not be a bar to admission to Czechoslovak citizenship under this law.

Section 6.—The persons admitted to Czechoslovak citizenship under this

law shall, from the day of such admission to citizenship, be so treated as if they had been citizens since the 28th day of October, 1918.

Section 7.—In case a party shall knowingly make use of false and incorrect documents or statements in an application to assert the right granted by this law, the Ministry of the Interior may declare null and void an admission to Czechoslovak citizenship obtained under this law.

Section 8.—This law shall take effect on the 15th day after its promulgation. The Minister of the Interior, acting in accord with the ministers concerned, is charged with the duty of enforcing the law.

FREE CITY OF DANZIG

EDITORS' NOTE. Article 71 of the Constitution of November 17, 1920 provides:[1] "Nationality shall be acquired and forfeited in accordance with provisions laid down by law. The principles of the draft of the law contemplated by this article shall be submitted for the examination of the League of Nations by May 23, 1921, at the latest." The draft of a nationality law was submitted to the Council of the League of Nations, and the following resolutions moved by Viscount Ishii were adopted by the Council on January 12, 1922:[2]

> 1st, It is decided that the principles of the draft law concerning the acquisition and loss of nationality in the Free City of Danzig, . . . do not necessitate the formulation of any objection on the part of the Council of the League of Nations.
>
> 2d, Any modification of principle in the stipulations set forth in this draft law must be approved by the Council before enactment into law.

BIBLIOGRAPHY: For the text of the law of May 30, 1922, in German, see Bergmann, II 81; Lewinsky and Wagner, *Danziger Staats und Völkerrecht* (1927) 55; Schwartz, 276; in, English, see *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, 13. For comment, see Magnus, 28; Schätzel, II, 41; Schwartz, 135; Yargas, "Die Danziger Staatsangehörigkeit," *Zeitschrift für Vergleichende Rechtswissenschaft* (1927) 321.

LAW OF MAY 30, 1922[3]

CONCERNING THE ACQUISITION AND LOSS OF DANZIG NATIONALITY

[TRANSLATION]

The legitimate child of a Danzig national acquires by birth the nationality of the father, the illegitimate child of a Danzig woman the nationality of the mother.

A child found on the territory of the Free City of Danzig (foundling) is regarded as the child of a Danzig national until the contrary is proved.

2. A child born in the Free City territory whose legitimate father, or illegitimate mother is without nationality, but has lived five years in the territory, acquires at birth Danzig nationality.

3. An illegitimate child and its descendants acquire the nationality of the father if legitimized according to the laws of the Free City by a Danzig national.

4. A foreign woman acquires the nationality of her husband by valid marriage with a Danzig national.

The minor children of a foreign woman acquire Danzig nationality by the valid marriage of their mother with a Danzig national, provided they take up permanent residence in the Free City territory with their mother.

5. (1) A foreigner acquires Danzig nationality on appointment as an

[1] League of Nations, *Official Journal* (1922) 143.
[2] Id. 96.
[3] Text from *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, p. 13.

official directly or indirectly under the Government of Danzig, provided there is no reservation made in the letter of appointment.

(2) The term "official" indicates such persons who are regularly appointed and can only be deprived of their office as a disciplinary measure.

(3) Persons applying for a position as officials must before appointment show that on acquiring Danzig nationality they lose their former nationality by law, or that they will be released from their former nationality.

(4) The acquisition of nationality takes place with the issue of the certificate of appointment.

(5) The above regulations apply also to officials appointed before the coming into force of this law.

6. The appointment as priest or minister in the service of a church recognised by the state is regarded as equivalent to the appointment as an official.

7. The acquisition of nationality under sections 3 and 6 includes the wife and unmarried minor children.

8. The Senate can grant Danzig nationality to a foreigner applying for it if he—

(1) Is a legally responsible person under the laws of his present country or would be so under the laws of Danzig, or if the application is made by, or with the consent of, his legal representative.
(2) Has been domiciled or resident in the territory of the Free City during five continuous years immediately preceding his application. This term cannot be counted from the date earlier than January 11, 1920.
(3) Has a satisfactory police record.
(4) Has the intention to reside permanently in the territory of the Free City.
(5) Has some form of lodging in his place of residence.
(6) Is in a position to support himself and his dependents.
(7) Proves that he is released from his former nationality or that he will be released therefrom on acquisition of Danzig nationality.

Polish citizens must further produce a certificate from the competent Polish authority to the effect that there is no objection to their renunciation of Polish nationality. This is not applicable to Polish nationals settling in the territory of the Free City not later than December 31, 1922, who make their application there for naturalization not later than April 1, 1928, unless the persons concerned have been notified to the Free City by the Polish Republic as deserters or as persons who have in other ways violated the law of military service.

9. The condition of five years' residence can be waived in the case of—

(a) Persons married to a woman of Danzig nationality.
(b) Persons whose father or mother became a Danzig citizen on January 10, 1920, and who as a result of participation in the war had no domicile or who were absent from the domicile of their parents for purposes of professional training and further were under thirty years of age on January 10, 1920. In such cases the ap-

plication must be made not later than January 10, 1924, and is conditional on the father or mother, or in the case of their death, other relations in direct line, or brothers or sisters, still being resident in the Free City at the time of the application.

10. Provided the conditions of section 8, subsections 1 and 3–7 are fulfilled, Danzig nationality must be granted on application to—

(a) The widow or divorced wife of a foreigner if she was at the time of her marriage a Danzig citizen.

(b) A foreigner who lost his Danzig nationality during infancy, provided he make application within two years of attaining his majority.

11. The grant of Danzig nationality extends on application to the wife of the applicant and such of his children as he legally represents by virtue of parental authority, provided that these persons also comply with the condition laid down in section 8, subsection 7.

12. The grant of nationality comes into force with the issue of the certificate of naturalization.

13. An illegitimate child and its descendants lose Danzig nationality through valid legitimation by a foreigner according to the laws of the Free City, unless no other nationality is acquired by such legitimation.

14. A woman loses Danzig nationality by marriage with a foreigner, unless she acquires no other nationality by this marriage.

By the marriage of the mother with a foreigner her minor children lose Danzig nationality if they acquire the new nationality of their mother.

15. Anyone having entered the service of a foreign state can by decision of the Senate be deprived of his Danzig nationality if he neglects a summons of the Senate to leave this foreign service.

16. Anyone acquiring a foreign nationality by his own application thereby loses Danzig nationality.

17. Loss of Danzig nationality under section 16 extends to the wife and such children as are represented by the father by virtue of parental authority. Daughters who are or have been married are excepted.

18. A Danzig national loses his nationality by being released therefrom on his application made to the Senate.

This release cannot be granted unless, and must be granted if, proof is furnished that he acquires thereupon another nationality and takes up his residence in another state.

19. Application for the release of a married woman from her Danzig nationality can only be made by her husband, and provided the latter possesses Danzig nationality, only at the same time as for his own release. The application requires the consent of the wife.

20. Application for the release from Danzig nationality in the case of a person under parental authority or other tutelage can only be made by the legal representative of such a person with the sanction of the Court of Chancery.

The Public Prosecutor may appeal against the decision of the Court of Chancery; further appeal may be made without limitation against the decision of the Court of Appeal.

The sanction of the Court of Chancery is not required when the father or mother makes application for his or for her own release and for that of a child at the same time by virtue of parental authority and the applicant is responsible for the care of the child. If the responsibility for the child is divided between the mother and a guardian the application of the mother for the release of the child must have the consent of such guardian.

21. The release comes into force from the beginning of the day on which the certificate of release, issued by the Senate, is delivered.

The certificate must not be delivered to persons under arrest or whose arrest or detention has been ordered by a court or police authorities.

22. If application is made in accordance with section 19 simultaneously for the wife, or in accordance with section 20 simultaneously for the children, of the applicant, these persons must be mentioned by name in the certificate of release.

23. If the Senate decide—

(a) that the conditions for the acquisition of nationality under sections 1–7, or the conditions for naturalization under sections 8, 9 and 11, or the conditions for the release from Danzig nationality under sections 13 and 14, are not fulfilled; or

(b) that application for naturalization under section 10 or for release under sections 18 and 20 should be refused;

appeal may be made to the High Court of the Free City of Danzig within four weeks.

24. Except in the cases covered by sections 10 and 11 the Senate shall fix by regulation the fees chargeable on grant of nationality.[1] In the case of release from nationality on the basis of section 18, only the usual stamp duties and fees are chargeable. The release of the wife and minor children of a person released on application made under section 18 is granted gratis.

25. Section 155 of the law regarding the competence of administrative officials and officials of administrative courts (*Verwaltungs-und Verwaltungsgerichtsbehorden*) of August 1, 1883 (G.S.S. 237) and the German Law of Realm and State Nationality of July 22, 1913 (*Reichsges. Bl.*, S. 583) are revoked.

Whenever in the existing laws reference is made to the provisions of the German Law of Realm and State Nationality of July 22, 1913, the stipulations of this present law shall be applicable in their place.

26. The Senate of the Free City of Danzig will issue the necessary regulations for the execution of this law.

[1] The fees were fixed by the decrees of December 18, 1925, and September 4, 1928. *Gesetzblatt*, 1925, 358; 1928, 203.

DENMARK

EDITORS' NOTE. The Constitution of July 28, 1866, and the law of March 25, 1871 [1] maintained the principle of *jus soli* in determining nationality.[2] The latter provides that foreigners residing in Denmark two years or more are held, without further proof, to have renounced their foreign nationality and to have become Danish-born subjects.

Law No. 12 of March 19, 1898 [3] provided that a legitimate child of a Danish-born subject acquired the right of a Danish-born subject, whether born in Denmark or in a foreign country. Paragraph 2 of the same law provided that persons born in Denmark who had not rightly acquired Danish nationality *jure sanguinis* acquired it when they continued, after their birth, to have their domicile in Denmark until they had completed their nineteenth year, unless during the last year they refused and proved another nationality. A foreign woman who married a Danish-born subject acquired his nationality, according to paragraph 3; and a woman who married an alien lost her nationality, according to paragraph 6. The law of March 19, 1898 was amended by the law of March 23, 1908.[4] By the former law children born abroad of Danish subjects acquired nationality *jure sanguinis*, only if they were born after the law had come into force. The law of 1908 provided that all children born of Danish subjects acquired Danish nationality. By the law of 1908 Danish subjects living abroad more than ten years did not have to declare at a Danish consulate that they intended to keep their nationality, although this was required by the law of 1898. These were the most important changes brought about by the new law.

Article 50 of the Constitutional Law of June 5, 1915 deals with the rights and nationalization of aliens. The Danish law of November 27, 1916 [5] provides for the naturalization of persons of no nationality. The law of April 18, 1925 [6] is substituted for Law No. 42 of March 19, 1898, as amended by Law No. 57 of March 23, 1908.[7] Acquisition of Danish nationality by inhabitants of Schleswig was provided for by Law No. 474 of September 5, 1920, as amended by the law of June 12, 1922.[8]

BIBLIOGRAPHY: Lehr, 67; Zeballos, I, 477.

For the text of the law of March 25, 1871, in English, see 65 *Br. and For. St. Papers*, 1298. For the text of the law of March 25, 1871, in French, see *Ann. de lég. étr.* (1898) 578; Clunet (1898) 614. For comment, see *Rev. de dr. int. pr.* (1909) 758. For the text of the law of March 28, 1898, in English, see 90 *Br. and For. St. Papers*, 183. For the text of the law of March 23, 1908, in French, see *Ann. de lég. étr.* (1908) 555; in English, see 110 *Br. and For. St. Papers*, 835. For the text of the law of November 27, 1916, in English, see 110 *Br. and For. St. Papers*, 838. For the text of the law of September 5, 1920, in English, see 114 *Br. and For. St. Papers*, 705. For the text of the law of April 18, 1925, in Danish, see *Lovitidende*, No. 123 A, 674; in French, see Clunet (1926) 1148; *Rev. de dr. int. pr.* (1926) 128; in German, see Bergmann, II, 47; for comment, see Frossius, *Rev. de dr. int. pr.* (1924) 443–50; Magnus, 24; Staël-Holstein, *Rev. de dr. int. pr.* (1925) 676.

[1] Post.
[2] Zeballos, I, 477.
[3] *Ann. de lég. étr.* (1898) 578.
[4] 110 *Br. and For. St. Papers*, 835.
[5] Id., 838.
[6] Post.
[7] See Law of April 18, 1925, sec. IX, post, p. 216.
[8] *Br. Parl. Papers*, Misc. No. 7 (1922), Cmd. 1771, p. 14.

LAW OF MARCH 25, 1871[1]

[TRANSLATION]

1. Danish-born subjects who are citizens of a foreign country, as they cannot exercise the rights attaching to their Danish citizenship, so they are free from the responsibilities emanating therefrom.

They enter into the enjoyment of all such rights, and must bear all the said responsibilities whenever they fix their abode in this country and renounce their condition of foreign citizenship, or, where the laws of the countries concerned make that impossible, when they make a declaration to the Ministry of the Interior that they renounce all the rights emanating from the said position.

Should their residence here extend to two years or more, they are held, without further proof, to have receded from their position as subjects of the foreign lands concerned; nevertheless, the government is authorized, on condition of reciprocity, to enter into treaty engagements different from the present rules.

2. This law does not concern the persons for whom citizenship is reserved with reference to the Treaty of Peace of 30th October, 1864 (Article XIX).

LAW OF APRIL 18, 1925[2]

CONCERNING THE ACQUISITION AND LOSS OF DANISH NATIONALITY

[TRANSLATION]

Section I. Children born in wedlock, whose father has Danish nationality, acquire at birth Danish nationality. Illegitimate children whose mother has Danish nationality acquire at birth Danish nationality.

A foundling, found in the Kingdom of Denmark, is held, until it is proved otherwise, to have Danish nationality.

Section II. A male alien or female unmarried alien born in the kingdom and having had continuous domicile here until the completion of his or her nineteenth year, acquires thereby Danish nationality.

This, however, does not apply if, in the course of the last year, the person in question shall have given notice in writing to superior authority (in Copenhagen to the magistrate) to the effect that he does not wish to acquire Danish nationality, and shall have established by satisfactory evidence that he actually has the rights of citizenship in another country. Such a declaration cannot, however, be given with effect, in so far as the individual's father, or mother if he be illegitimate, has in such a manner himself established his foreign citizenship.

[1] Translation from 65 *Br. and For. St. Papers*, 1298.

[2] Text from enclosure with Despatch No. 699, December 28, 1928, from the American Minister to Denmark to the Secretary of State. See also *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, p. 17.

Danish nationality acquired by a man in accordance with the provision of this paragraph is acquired likewise by his wife and legitimate children. Illegitimate children, in the same manner follow the nationality of their mother.

Section III. An alien woman, who marries a man having Danish nationality acquires that nationality by her marriage.

Should such a couple have children before they are married, the children also acquire Danish nationality, provided they are unmarried and under the age of eighteen years.

Section IV. Danish nationality can also be acquired by naturalization in accordance with Section 50 of the Constitutional Law of June 5, 1915, with amendments of September 10, 1920.

Naturalization of a man implies the naturalization of his wife and unmarried legitimate children, under eighteen years of age, unless in special cases it be otherwise established.

Illegitimate children under eighteen years of age acquire naturalization upon their mother acquiring it.

Section V. Danish nationality is lost by an individual acquiring the rights of citizenship in another country. Should such a person have acquired Danish nationality at birth, the loss of it does not take effect until he leaves the country.

Section VI. A Danish man or unmarried woman born abroad and never having been domiciled in Denmark loses Danish nationality on the completion of his twenty-second year.

It can, however, be decreed by royal resolution that such a person retains his Danish nationality.

A person who has completed his military service or stayed in Denmark for educational purposes or in circumstances indicating his connection with Denmark, is counted in the application of this paragraph as having lived in Denmark.

When a man loses his Danish nationality in accordance with the provisions of this paragraph, his wife and children born in wedlock lose it likewise. The corresponding rule applies with regard to a woman and her child born out of wedlock.

Section VII. A person who is or who wishes to become a citizen of a foreign country, can by royal resolution be released from his civic obligations towards Denmark. The release in this latter case is conditional on the applicant acquiring citizenship in another country within a given period.

Section VIII. Women, who by the coming into force of this law lose their Danish nationality owing to their being married to a man who is not of Danish nationality, may, by addressing a petition to the Ministry of the Interior, recover their nationality, provided they were Danish nationals by birth and have lived continuously in Denmark since their marriage. If they leave the kingdom they lose their nationality.

Section VI only involves loss of nationality for such persons as attain their twenty-second year later than three years after the coming into force of this law; this applies equally to their wives and children.

Otherwise the provisions of this law take effect in so far as the circumstances giving rise to the acquisition or loss of nationality occur subsequently to the coming into force of this law.

Section IX. This law which is substituted for Law No. 42 of March 19, 1898, concerning the acquisition and loss of Danish nationality, as amended by Law No. 57 of March 23, 1908 (see Proclamation No. 59 of March 23, 1908), is applicable to all parts of the Danish State.

DOMINICAN REPUBLIC

EDITORS' NOTE. The Code Napoleon was adopted by the Dominican Republic soon after its independence.[1] The nationality provisions of that code [2] were in force, except as modified by the different constitutions. The first Constitution of November 6, 1844 was modified four times prior to the Constitution of March 9, 1875.[3] According to the constitutions prior to that of 1875, children born in the Dominican Republic of foreign parents were not Dominicans.[4] The provisions of the Constitution of March 9, 1875 were carried over in the Constitution of June 20, 1896,[5] which followed four other constitutions which had been adopted since that of March 9, 1875, namely those of 1879,[6] 1880, 1881 and 1887.[7] The Code Napoleon was translated into Spanish in 1884 and this became the official version of the code.[8] The Constitution of 1896,[9] Title 2, Article 7, provided that all persons who have or may be born within the territory of the republic are Dominicans. Children born abroad of Dominican parents, if such children had come to reside in the republic, were also Dominicans according to the same article. Where the code comes into conflict with the constitutional provisions, it is the latter which prevail. The constitutional provisions of 1896 were superseded by those of March 20, 1908, which together with the provisions of the Civil Code were superseded by the law of 1924 and the Constitution of 1927.[10] The latter have in turn been superseded by the Constitution and law of 1929.[11]

BIBLIOGRAPHY: Zeballos, I, 662.

For the text of the Constitution of 1879, in Spanish, see Cogordan, 479. For the text of the Constitution of February 22, 1908, in Spanish, see Arbo, *Ciudadanía y naturalización* (1926) 107. For comment, see *Ann. de lég. étr.* (1908) 763; Lehr, 71.

CONSTITUTION OF JUNE 20, 1929[12]

Article 8. The following are Dominicans:

(1) Persons who at present enjoy that attribute by virtue of former Constitutions and laws.

(2) All persons who were born in the territory of the republic with the exception of the legitimate sons of foreigners who are resident in the republic as diplomatic representatives or who are in transit across the republic.

(3) Persons born abroad of Dominican parents, provided that they have not acquired foreign nationality in accordance with the laws of the countries of their births, or if they have acquired it, that they shall declare on coming of age by a sworn statement before a public official commissioned by the Executive Power, their intention of acquiring Dominican nationality.

(4) Those naturalized according to the Constitution and the laws.

No Dominican can claim the position of foreigner through naturalization or through any other cause.

[1] Cit. Bd. Report (1906) 311. [2] See France, Editors' Note, post.
[3] February 27, 1854; December 23, 1854; February 19, 1858; November 14, 1865; see Zeballos I, 662. [4] Cit. Bd. Report (1906) 310. [5] Zeballos, I, 663. [6] Cogordan, 479.
[7] Zeballos, I, 662. [8] Cit. Bd. Report (1906) 311. [9] Ibid.
[10] Año LIII, Núm. 3867, *Gaceta oficial*, Santo Domingo, 17 de Junio de 1927. [11] Post.
[12] Text from enclosure with Despatch No. 1348, July 15, 1929, from the American Chargé d'Affaires at Santo Domingo to the Secretary of State.

A Dominican woman married to a foreigner shall acquire the nationality of her husband provided that the laws of his country so provide. Otherwise she shall preserve her Dominican nationality.

Section II.—Citizenship

Article 9. All male Dominicans above eighteen years old, and such as may be, or may have been, married, although not having reached that age, are citizens.

Article 10. The rights of citizenship are:

(1) To exercise the suffrage.
(2) To be eligible to elective offices, under the restrictions as indicated in this Constitution.

Article 11. The rights of citizenship are lost:

(1) By bearing arms against the republic or lending aid to any attempt against it.
(2) By sentence to corporal restraint and during the term of punishment.
(3) By judicial interdiction.
(4) By accepting employment while in Dominican territory from any foreign government without authority from the Executive Power.
(5) For having adopted another nationality.

LAW NO. 1227, OF DECEMBER 4, 1929[1]

[Translation]

Article 1. Those who may acquire the Dominican nationality through naturalization are:

(a) Any alien of age who has been given permission to establish his domicile in the republic in conformity with Article 13 of the Civil Code, three years after fixing his domicile therein;
(b) Any alien who can prove that he has resided for ten years at least without interruption in the republic;
Paragraph: A residence of not more than five years abroad on a mission of duty conferred by the Dominican Government may be counted in those ten years;
(c) Any foreign person who can prove a residence of five years at least without interruption in the country, if he has established and maintains industries in the city or country, or if he is the owner of real property situated in the republic;
Paragraph: Any alien who has married a Dominican woman may be naturalized after only two years of uninterrupted residence;
(d) Any foreign person who has received from the government permission to establish his domicile in the republic, in accordance with Article 13 of the Civil Code, at the expiration of one year at least after being domiciled therein, provided he adduces evidence that he is cultivating a plot of ground of not less than one hundred "tareas".

[1] Text from enclosure with Despatch No. 1542, December 13, 1929, from the American Minister to the Dominican Republic to the Secretary of State.

Article 2. A woman married to an alien who is naturalized as a Dominican may obtain naturalization without any condition of permanence in the Dominican territory provided she applies therefor jointly with her husband. After the naturalization of the husband she may become naturalized without undergoing any other condition, provided she is duly authorized thereto by him.

Paragraph 1: The foreign woman who is married may not apply for naturalization outside of the cases for which provision is made in this article and during the time of her marriage.

Paragraph 2: The children more than eighteen years of age of the naturalized parent may obtain their naturalization after one year only of residence in the republic if they apply therefor jointly with their father.

Paragraph 3: A woman who loses her Dominican nationality through her marriage to a foreigner may in case the marriage is dissolved reacquire the Dominican nationality provided she establishes her residence in the republic and declares the fact in the Department of State for the Interior and Police.

Article 3. Children less than eighteen years of age, unmarried, legitimate, legitimated or recognized natural children acquire as of right through the naturalization of their parent the Dominican nationality; but they will have the right on reaching their majority and for one year to renounce it by declaring by an instrument drawn up by a public officer submitted to the Executive Power that they wish to conserve their original nationality.

Paragraph: The same effects shall be produced by the naturalization of the mother when the father is not living or when, if he is living, she has the custody of the children.

Article 4. It will not be necessary to be more than twenty-one years of age to apply for naturalization when one is married, or more than eighteen years old when authorized by his parents, and in the absence of such parents, by the persons named in the law.

Article 5. Application for naturalization shall be made to the Executive Power through the Secretary of State for the Interior and Police, and the said application must be accompanied by all the papers required by this law.

Paragraph 1: The papers referred to in this article are: (a) Certificates of good living and habits issued by the Governor and Government Attorney of the province in which the party concerned lives; (b) certificate of birth with its translation when written in other than the Spanish language; (c) a certificate of identity found satisfactory by the Secretary of State for the Interior and Police;

Paragraph 2: In the absence of a certificate of birth because of the physical impossibility of obtaining it a public formal declaration (*acta de notoriedad*) may be sufficient;

Paragraph 3: Even though all the requirements have been met and complied with, and all the conditions required by this law have been complied

with, the Executive Power is at liberty to deny naturalization when it sees fit; except in the case of Paragraph 3 of Article 2;

Article 6. The certificate of naturalization, if granted, shall be delivered by the Governor of the province where the party concerned resides after the latter takes oath to be loyal to the republic.

Paragraph: The certificate of naturalization must carry a portrait affixed to the certificate and sealed, of the naturalized person and of the members of the family that are naturalized with him.

Article 7. The Governor shall draw up a record of the delivery of the Certificate of Naturalization and of the corresponding oath and shall send it to the Secretary of State for the Interior and Police for legal purposes.

Paragraph: The oath must be published in the Official Gazette.

Article 8. Persons who on applying for a certificate of naturalization make use of certificates or other documents that are false or belong to other persons shall be punished by imprisonment for not less than six months nor more than two years.

This law especially suspends Law No. 61 of November 18, 1924, published in the Official Gazette No. 3595, and any other law or part of law inconsistent with it.

ECUADOR

EDITORS' NOTE. The Constitution of March 10, 1861 [1] provided in Article 4 that all persons born in the territory of Ecuador were nationals. On the other hand, persons born abroad of an Ecuadoran father or mother were nationals if they had come to reside in the territory. The Constitution of August 1, 1869, established a distinction between naturalized and native-born Ecuadorans as to certain rights.[2] This last constitution was superseded by that of March 31, 1878, which was in turn replaced by that of February 13, 1884. The latter was revised in 1887, and was replaced by that of January 14, 1897, which was in turn replaced by the Constitution of December 23, 1906.[3] The Constitution now in force is that of March 26, 1929.

The law of October 18, 1921 [4] repealed the law of August 23, 1892, which dealt with aliens and naturalization.[5] The former law was modified by the decree of September 17, 1925.[4]

BIBLIOGRAPHY: Folleville, 653; Lehr, 73.

For comment on the Constitution of January 12, 1879, see *Rev. gén. de dr. int. pub.* (1897) 224. For the text of the Constitution of 1897, in Spanish, see Carranza, *Digesto constitucional americano* (1910) I, 461; *Constitución de la República del Ecuador dada por el Convención nacional de 1896–1897* (Quito, 1897); in English, see 89 *Br. and For. St. Papers*, 1095; Cit. Bd. Report (1906) 314. For Constitution of 1908, see Lehr, 71. For the text of the law of October 18, 1921, in English, see *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, 19. For the text of the decree of September 17, 1925, in English, see ibid. For the text of the Constitution of 1929, in Spanish, see *Registro oficial* (1929), No. 138.

CONSTITUTION OF MARCH 26, 1929 [6]

[TRANSLATION]

FIRST PART

SECTION II.—CONCERNING ECUADORANS

Article 7. Ecuadorans by birth are those born in the territory of the republic.

Article 8. The following are also regarded as Ecuadorans by birth:

1st. Children born abroad of a father or mother, Ecuadoran by birth, when any of them are engaged in the service of the republic or have emigrated under conditions of Article 86, section VII, paragraph 5, and

2nd. Those, having been born on foreign soil, of a father or mother, Ecuadoran by birth, who come to reside in the republic or express their desire to be Ecuadorans.

[1] The Constitution of 1861 was preceded by that of 1843 which had been modified in 1851 and 1852. Zeballos, II, 7. [2] Folleville, 653.

[3] *Constitución política de la República del Ecuador, decretada por la Asamblea nacional de 1906–1907* (Quito, 1923).

[4] Post. [5] Martens, *Recueil*, 2d series, XIX, 713.

[6] Text from enclosure with Despatch No. 1255, May 9, 1929, from the American Chargé d'Affaires at Quito to the Secretary of State.

Article 9. Moreover, those are considered Ecuadorans:

1st. Who obtained nationality from Congress for having given eminent services to Ecuador;
2nd. Those foreigners who, having resided one year in the republic, declare their intention to become citizens and obtain a letter of naturalization in accordance with the Law;
3rd. The children of naturalized foreigners, while they remain under the jurisdiction of the country and, afterward, when they have become of age, do not expressly renounce Ecuadoran nationality;
4th. A foreign woman married to an Ecuadoran and a foreign woman, widow of an Ecuadoran, when not manifesting voluntarily to the contrary, and
5th. The Indo-Latins, so long as they have established their residence in the territory of the republic and manifested their desire to be Ecuadorans in the form determined by Law.

Article 10. An Ecuadoran loses his nationality:

1st. By being naturalized in another state;
2nd. By entering the service of an enemy nation, and
3rd. By the cancelation of his letter of naturalization;

Article 11. Ecuadoran nationality can be recovered in accordance with the Law.

Article 12. It is an obligation of every Ecuadoran to comply with the laws of the republic, and primarily, to defend the independence, territory, honor, rights and interests of the country.

Section III.—Concerning Citizenship

Article 13. Every Ecuadoran, man or woman, of twenty years of age who can read and write, is a citizen.

Article 14. Citizenship may be lost:

1st. Through insolvency fraudulently declared;
2nd. Through a sentence imposed in the case of fraud in the management of public funds;
3rd. Through a sentence imposed for the purchase or sale of votes, because of the execution of acts of violence, falsity or corruption in the course of popular elections, and
4th. In such other cases defined by Law.

Article 15. Citizenship may be suspended:

1st. By judicial interdiction;
2nd. By a writ issued on account of infractions that cause the loss of the rights of citizenship;
3rd. By a writ against a public officer, and
4th. For failure to pay the balance of accounts declared by a renderer when it is related to the management of public funds.

Article 16. Citizenship may be recovered in accordance with the Law.

LAW OF OCTOBER 18, 1921 [1]

AS AMENDED SEPTEMBER 17, 1925

[TRANSLATION]

Article 62. The Executive may grant naturalization papers to foreigners who may be entitled thereto in accordance with constitutional requirements.

Article 63. Naturalization papers shall be applied for from the Executive by means of a memorandum, in which the applicant shall state the state in which he was born and the government of which he is a subject, as also the number, names, and sex of the persons to whom naturalization should be extended.

He shall furthermore prove, in legal form, his good conduct and the fact of his being in possession of all the qualifications required by the Constitution to obtain naturalization papers.

He shall in addition prove, by presenting the foreign law, sufficiently authenticated, or by means of a certificate of the diplomatic or consular representative of his country in Ecuador, or of the Ecuadoran legation or consulate accredited in that country, that by the fact of acquiring Ecuadoran nationality he loses his previous one. Should there be no diplomatic or consular representation of Ecuador in the country to which the applicant belongs, nor in Ecuador a diplomatic or consular representative of his nation, it will be sufficient for the said certificate to be signed by a diplomatic or consular agent of the country of origin of the applicant accredited in any friendly nation where Ecuadoran representation exists, which may authenticate that document. Should the foreign law require a declaration renouncing his previous nationality in order to opt for another, he shall attach a true certificate of the said renunciation.

Article 64. The documents referred to in the preceding article shall be presented to the Executive through the Ministry of Foreign Affairs, and by means of the Governor of the province where the applicant resides.

Article 65. The Governor shall remit with this document a certificate, which may be of a confidential character, stating the antecedents and conduct of the petitioner, and in general whether he possesses or not the necessary qualifications prescribed by the Constitution for acquiring naturalization.

Article 66. Naturalization papers shall not be granted to citizens or subjects of a nation with which Ecuador should be at war.

It will be likewise refused to persons reputed or condemned judicially outside the country as authors of a crime or common offence, and, should any suspicions exist in this sense, the interested person shall present evidence to rebut the suspicion.

Article 67. Naturalization papers obtained by foreigners through fraudulent means and in violation of this law are null and void.

Article 68. Should the petitioner fulfil the constitutional requirements, he shall be granted naturalization papers, which shall be delivered to him

[1] Text from *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, p. 19.

through the respective Governor, who, before doing so, shall call on him to promise by oath to renounce any political connection which may still bind him to the other nationality, and to comply with the Constitution and laws of the republic, and with the duties imposed on Ecuadorans.

The above renunciation shall be recorded in the proceedings.

Article 69. On compliance with this formality, the Governor shall send a copy of the proceedings to the Ministry for Foreign Affairs, where the naturalization concerned shall be registered in a book, in which shall be entered alphabetically and chronologically the naturalization of foreigners in Ecuador.

Article 70. A copy of the said registration shall be transmitted by the Ministry for Foreign Affairs to the Central Civil Registrar's Office, where a book of naturalizations shall also be kept.

Article 71. With the husband shall be naturalized his wife and younger children, but these shall have the right of option on becoming 21 years of age.

Article 72. The foreign wife of an Ecuadoran shall follow the nationality of the husband if she establishes herself in Ecuador, and if, according to the laws of her country, she does not retain her previous nationality.

Article 73. An Ecuadoran woman marrying a foreigner loses Ecuadoran nationality to acquire that of her husband, as soon as she leaves Ecuador, but while she remains in the territory of the republic she retains Ecuadoran nationality.

Article 74. An Ecuadoran woman marrying a foreigner, and who, according to the laws of the latter, does not acquire his nationality, shall be considered Ecuadoran even if she resides or establishes herself outside Ecuador.

Article 75. An Ecuadoran woman who by the fact of contracting marriage should have acquired a foreign nationality may recover her previous nationality on becoming a widow, if she declares her desire to do so before an Ecuadoran diplomatic or consular agent.

A copy of this declaration, duly authenticated, shall be sent by the diplomatic or consular agent to the Ministry for Foreign Affairs, where it shall be registered in the Register of Naturalization, and a similar copy sent to the Civil Registrar's office for the same purpose.

Article 76. Options for Ecuadoran nationality as provided for in Article 11 of the Constitution shall be registered similarly and in the same form.

Article 77. It is the duty of diplomatic and consular agents abroad to communicate to the Ministry for Foreign Affairs, for the purposes stipulated in clause 2 of Article 14 of the Constitution, the naturalization of Ecuadorans in other states, which shall be recorded in the registers referred to in the preceding articles.

Article 78. An Ecuadoran naturalized abroad, on returning to Ecuador, shall be considered as Ecuadoran in all that concerns his obligations as such, and any plea of foreign naturalization in order to pass as a foreigner and claim the rights, privileges or exemptions enjoyed by them shall not be valid.

Article 79. Naturalization and expatriation does not exempt a criminal from extradition, should the former or the latter be alleged as a reason for its rejection.

Article 80. The law of August 25, 1892, is hereby repealed.

EGYPT

EDITORS' NOTE. The Ottoman law of January 19, 1869 formerly prevailed in Egypt.[1] The first law on nationality promulgated by Egypt, after the declaration of independence on March 15, 1922, is that of May 26, 1926,[2] repealed by Decree Law No. 19, of February 27, 1929.

BIBLIOGRAPHY: P. Arminjon, "De la nationalité dans l'Empire Ottoman, spécialement en Egypte," *Rev. gén. de dr. int. pub.* (1901) 520; P. Arminjon, *De la nationalité dans l'Empire ottoman, spécialement en Egypte* (Paris, 1901); A. Assabghy and E. Colombani, *Les questions de nationalité en Egypte* (Cairo, 1926); Fernand Braun, "Le décret-loi de 1929 sur la nationalité égyptienne," Clunet (1929) 627. C. Dahan, "La question de la nationalité en Egypte et les différents problèmes qu'elle soulève," *L'Egypte contemporaine* (1916), No. 27, reviewed in *Rev. de dr. int. pr.* (1917) 139; Moharram, *Modes de l'acquisition de la nationalité égyptienne* (1926); Pupikofer, "Limites des pouvoirs des tribunaux mixtes en matière de nationalité," Clunet (1926) 1175.

For the text of the law of May 26, 1926, in English, see *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, 21; in French, see Clunet (1926) 1150; *Rev. de dr. int. pr.* (1926) 469. For comment, see F. Braun, "La nationalité égyptienne et le nouveau décret-loi," Clunet (1926) 857; M. de Wée, *La nationalité égyptienne; commentaire de la loi du 26 mai 1926* (Alexandria, 1926). For the text of the note of the Minister of the Interior to the Council of Ministers, of February 23, 1929, in French, see Clunet (1929) 823. For the text of the law of February 27, 1929, in French, see Clunet (1929) 818; *Rev. de dr. int. pr.* (1929) 353.

DECREE LAW NO. 19, OF FEBRUARY 27, 1929[3]

CONCERNING EGYPTIAN NATIONALITY

[TRANSLATION]

We, Fouad I, King of Egypt,

Upon examination of our rescript No. 46 of 1928;

Upon examination of the Decree Law dated May 26, 1926, concerning Egyptian nationality;

On the motion of the President of our Council of Ministers and with the concurrence of the said Council;

Hereby decree:

Article 1. The following are considered as holding Egyptian nationality of right:

(1) The members of the Royal Family.
(2) All those who on the day of the publication of this law are considered as Egyptians under Article 1 of the Decree of June 29, 1900.

[1] A. Assabghy and E. Colombani, *Les questions de nationalité en Egypte* (1926) 151; H. Moharram, *Modes de l'acquisition de nationalité égyptienne* (1926) 8; Broun, "La nationalité égyptienne et le nouveau décret-loi, 1926," Clunet (1926) 857, 865, 866.

[2] *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, p. 21.

[3] Text from *Journal officiel* of March 10, 1929 (Special Number).

(3) All other Ottoman nationals who on November 5, 1914, had their habitual residence in Egypt and maintained it up to the publication of this law.

Article 2. The provisions of the foregoing article do not apply to persons in categories 2 and 3 who were born or whose fathers were born in Turkey or in one of the territories separated from Turkey by the Lausanne Treaty and who before this law is published shall, for the purpose of availing themselves of the provisions of Article 4 of the Decree Law of May 26, 1926, have filed an application for option with the Turkish Government or the governments wielding authority over the separated countries, provided such option be operative under the law of the country in favor of which the option is made.

In that event and unless there be any provision to the contrary, the optants may be compelled to leave Egyptian territory within six months after being ordered to do so by the Minister of the Interior.

If the optants do not leave the territory within the prescribed time or if after leaving it they return and settle there less than five years after the date of the aforesaid order they shall be expelled.

Article 3. The Ottoman nationals who have had their habitual residence in Egypt after November 5, 1914, and maintained it there up to the publication of this law may, within the year following the said publication, ask to be regarded as having acquired Egyptian nationality.

In the absence of any such request, they may be compelled to leave the Egyptian territory under the conditions provided by the foregoing article.

Article 4. Ottoman nationals who had their habitual residence in Egypt on November 5, 1914, but did not maintain it up to the date of the publication of this law may, within the year following the said publication, ask that they be considered as having acquired Egyptian nationality.

For the purpose of inquiring into the application, the Minister of the Interior may ask the applicant to return to Egypt within the time set by him.

In exceptional cases the Minister of the Interior may, through an order issued with the concurrence of the Council of Ministers, deny recognition of Egyptian nationality.

Recognition by the Minister of the Interior of the applicant's Egyptian nationality as well as the order denying such recognition, if any, must be notified not later than one year after the application has been received.

Article 5. Acquisition of Egyptian nationality under the foregoing provisions includes of right the wife and minor children.

Article 6. The following are Egyptians:

(1) Children born, either in Egypt or abroad, of an Egyptian father.
(2) Children born, either in Egypt or abroad, of an Egyptian mother so long as the paternal filiation is not legally established.

(3) Children born in Egypt of unknown father and mother.
Children found in Egyptian territory are presumed, until proof to the contrary is produced, to have been born in Egypt.
(4) Children born in Egypt of a foreign father who was born there himself when the said foreigner is racially connected with the majority of the population of a country where Arabic is the language or Mussulman the religion.

Article 7. Anyone born of a foreigner in Egypt and having his habitual residence there at the time he becomes of age, becomes Egyptian if, in the year following the said coming of age, he renounces his original nationality and declares his option for the Egyptian nationality.

When the person fulfilling the conditions required in the preceding paragraph proves that he was prevented from making his declaration in good time, he may, upon an order from the Minister of the Interior, be authorized to make that declaration provided it will not be more than one year later.

The Minister of the Interior may also allow the person who had fulfilled the foregoing conditions before this law was published to have the benefit of the foregoing provisions within the year following the publication.

Article 8. Naturalization confers the status of an Egyptian. It may be granted by decree to any foreigner of age who has had his habitual residence in Egypt for ten years at least and meets the following conditions:

(1) Being of good life and morals.
(2) Having means of livelihood.
(3) Having a knowledge of the Arabic language.

Article 9. Naturalization may be granted by decree to any foreigner of age fulfilling the conditions provided in the foregoing article when he has been permitted to have his domicile in Egypt with a view to naturalization and actually resided there for not less than five years beginning with the date of the permit.

The effect of that permit will expire at the end of five years if the beneficiary does not apply for naturalization or if his application is denied.

Article 10. Anyone who acquired nationality under the three preceding articles may be divested of the Egyptian nationality by decree stating the grounds therefor in any one of the following cases:

(1) If he has acquired Egyptian nationality on the strength of untruthful declarations or by fraudulent means.
(2) If he has been sentenced in Egypt to a criminal penalty or to not less than two years in jail.
(3) If he has committed any act apt to endanger the internal or external safety of the state, the established order of government, or the social order of Egypt.
(4) If through speeches, writings, or any other methods of publicity he propagates subversive ideas contrary to the fundamental principles of the Constitution.

Such forfeiture, however, cannot be declared when the nationality was acquired more than five years before.

Article 11. Naturalization may be granted without any other condition by a special law to any foreigner who renders eminent service to Egypt.

It may also be granted without any other condition by a decree to the heads of Egyptian religious communities.

Article 12. Except in the cases provided by this law, no Egyptian can acquire a foreign nationality except after obtaining the Egyptian Government's permission. That permission can only be given through a decree.

An Egyptian acquiring a foreign nationality without the previous permission of the Egyptian Government will continue to be regarded as an Egyptian in every respect.

Article 13. Anyone who, without the permission of the Egyptian Government, agrees to enter the military service of a foreign power, as also anyone who, after accepting an office outside of Egypt from a foreign government stays there notwithstanding the order given him by the Egyptian Government to resign the said office, may be declared to have forfeited Egyptian nationality by a decree. Any man so forfeiting his nationality may recover it as provided in Article 8 of this law.

Article 14. A foreign woman who marries an Egyptian becomes an Egyptian. She does not lose her Egyptian nationality when the marriage is dissolved unless, having her habitual residence abroad, she recovers her original nationality under the law governing such nationality. The Egyptian woman who marries a foreigner loses her Egyptian nationality when through her marriage she acquires the nationality of her husband under the law governing such nationality. In the event of dissolution of the marriage the woman may, if she has her habitual residence in Egypt or if she comes to settle there, recover Egyptian nationality by declaring her will to that effect.

Article 15. Acquisition of Egyptian nationality by a foreigner has the effect of conferring that nationality upon his wife unless she declares within a year after the said acquisition that she means to maintain her foreign nationality.

Acquisition of a foreign nationality by an Egyptian has the effect of causing his wife to lose Egyptian nationality provided she acquires her husband's nationality by operation of the law that governs the said new nationality and unless she declares within the year following the said acquisition that she intends to maintain her Egyptian nationality.

Outside of the cases above provided, a married woman cannot acquire any nationality other than that of her husband.

When a marriage is dissolved the wife may recover her original nationality under the conditions of the foregoing article.

Article 16. The minor children of a foreign father who acquires Egyptian nationality become Egyptians unless their habitual residence is abroad and

they maintain their foreign nationality under the law of the country to which they belong.

The minor children of an Egyptian father who becomes a foreigner lose their Egyptian nationality when by reason of the change in the father's nationality they acquire his nationality under the law governing said nationality.

Children who have undergone a change of nationality by the operation of the foregoing provisions may within the year following their becoming of age declare their option for their original nationality.

Article 17. In case death occurs before naturalization, the permit to establish a domicile in Egypt referred to in Article 9 and the time of residence that followed will be counted for the wife and the minor children.

Article 18. The acquisition, loss or recovery of Egyptian nationality do not, unless there are provisions to the contrary, carry any retroactive effect. This also applies to the declaration of forfeiture.

Article 19. The full age as provided in this law shall be determined according to the law of the country to which the person belongs at the time of the option or application.

Article 20. Declarations, options, and in a general way all requests or applications referred to in this law must be addressed to the Minister of the Interior and in Egypt delivered to the Governor's office or the Moudirieh where the party concerned has his residence, and in a foreign country to any diplomatic or consular officer of the Kingdom of Egypt.

Any other officer of the state may be qualified to receive such declarations, options, or applications by an order of the Minister of the Interior.

Article 21. The Minister of the Interior will deliver to any person concerned, upon payment of the fees that shall be set by an order and upon the production of all the evidence deemed necessary, certificates attesting the Egyptian nationality. These certificates shall be authentic in courts of justice until proof to the contrary is produced.

Article 22. Any person living on the territory of Egypt is deemed to be an Egyptian and treated as one until his nationality has been regularly established.

Until his Egyptian nationality, however, is established he shall not enjoy the exercise of political rights in Egypt.

Article 23. For the purposes of this law persons who were nationals of the former Ottoman Empire before the date of the going into effect of the Treaty of Lausanne, which was concluded on July 24, 1923, shall be regarded as Ottoman nationals.

Article 24. For the purposes of this law the children of a former Ottoman national who regularly acquired a foreign nationality with the permission of the Ottoman or Egyptian Government shall not be regarded as Ottoman nationals if the law governing such foreign nationality imparts to them the

said nationality. They may, however, in the year after they become of age or if they are already of age in the year following the publication of this law, acquire Egyptian nationality by declaring their wish to that effect on condition that they establish their habitual residence in Egypt.

Article 25. The Decree Law of May 26, 1926, concerning Egyptian nationality is hereby and continues repealed.

Article 26. By exception from the provisions in Article 20 of this law, options filed with the foreign governments named in Article 2 above shall be regarded as having been validly made.

Article 27. Our Minister of the Interior is charged with the execution of this law which will go into operation immediately upon its publication in the *Journal officiel*. He will issue all orders that may be necessary to that effect.

ESTONIA

EDITORS' NOTE. Before the World War the autochthon of the "Government of Estonia" was a "Russian subject" of "Estonian nationality." The term "nationality" as used there had a local meaning [1] which should not be confused with the usual meaning of the word. Those born in Estonia were Russian subjects. The Estonian word corresponding to "citizenship" is the term used for nationality.[2]

The National Council of Estonia passed the decree of November 26, 1918, Article 1 of which provides: [3] "The rights of a citizen of Estonia belong . . . to all persons who: 1st, live within the limits of the country; 2d, were on February 24, 1918, Russian subjects; 3d, were born in a part of Estonia." The status of a woman was regulated by that of her husband, and of a minor by that of his parent (Article 5). Article 6 of the decree of November 26, 1918, provided that naturalization might be obtained after five years' permanent residence in Estonia. The law of August 27, 1920 provided that the five year period for naturalization could be shortened or dispensed with. Law No. 87 of October 27, 1922 repeals the above two laws. Directions for the execution of this last-named law were issued on November 25, 1922.[4] The law of November 12, 1925 [5] provides for fees charged on application for citizenship.

BIBLIOGRAPHY: Eugen Maddison, *Die Estnische Staatsbürgerschaft* (Tallinn, 1929); Magnus, 36; L. Villecourt, "La nationalité estonienne," *Rev. de dr. int. pr.* (1927) 490.

For the text of the law of October 27, 1922, in Estonian, see *Riigi Teataja*, November 6, 1922, No. 136; in English, see *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, 26; For comment, see *Rev. de dr. int. pr.* (1927) 499. For the text of the order of November 25, 1922, in Estonian, see *Riigi Teataja*, Nr. 183/4. For the text of the order of November 12,1925, in Estonian, ibid.

LAW NO. 87, OF OCTOBER 27, 1922 [6]

[TRANSLATION]

All individuals have the rights and obligations of citizens of the Republic of Estonia, who possess the following requirements:

(1) Who have a permanent domicile within the limits of the Republic of Estonia before the coming into force of this law.
(2) Who have been prior to February 24, 1918, Russian subjects and until the coming into force of this law have not acquired the citizenship of any other country.
(3) Who themselves or their parents were entered in the register of communities or official institutions on the territory which is now Estonia.

2. The following are also considered as Estonian citizens:

(1) Individuals, admitted into Estonian citizenship on the basis of paragraphs 2 and 6 of the regulation of the National Council re-

[1] L. Villecourt, "La nationalité estonienne," *Rev. de dr. int. pr.* (1927) 490, 491.
[2] Ibid. [3] Id. 492. [4] Magnus, 36. [5] Ibid.
[6] Text from *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852.

garding the citizenship of the Estonian Democratic Republic. (*Riigi Teataaj*, No. 4, 1918.)

(2) Individuals who are recognized as Estonian citizens on the basis of international treaties concluded by the Estonian Republic.

(3) Children born on Estonian territory or outside it, whose fathers are Estonian citizens.

(4) Illegitimate children born of a mother who is an Estonian citizen.

(5) The wife or widow of an Estonian citizen.

(6) Children legally adopted or legitimized by an Estonian citizen.

(7) The legitimate or illegitimate children of foreigners up to the age of eighteen, counting from the date of their parents' admittance to Estonian citizenship, except married daughters or daughters who have been married.

(8) Children found within the boundaries of the Estonian Republic, if it is not proved that they have another nationality.

(9) Any former Estonian female citizen, if her marriage with a foreigner has been cancelled in Estonia, also the children of that marriage.

3. Individuals who possess only the requirements of paragraph 1, sections 1 and 2, in order to obtain the rights of a subject of the Estonian Republic, must present within six months, counting from the date of the coming into force of this law, to the chairman or mayor of the local district administration, a statement accompanied by the necessary certificates, to prove that they have before the presentation of the statement permanently lived six years within the limits of the Estonian Republic.

4. If the requirements indicated in paragraph 3 are corroborated the chairman or mayor of the district administration issues a corresponding certificate of the citizenship.

If the decision of the chairman or mayor of the district administration is negative, the applicant can lodge in an administrative legal form a complaint to the Court of Peace.

5. Besides the conditions foreseen in paragraph 1, Estonian citizenship can be acquired by former Russian subjects of Estonian origin, who have not acquired the citizenship of any other country, or who by living within the boundaries of the Estonian Republic are known to the chairman or mayor of the respective district administration, or, if staying abroad, to the nearest consul or diplomatic representative of the Estonian Republic, or the Minister of Interior within a year from the date of the coming into force of this law, such persons must forward the respective information, on receipt of which the above-mentioned officials issue a corresponding certificate for the Estonian Republic.

6. No citizen of the Estonian Republic can be at one and the same time a citizen of another state.

7. Estonian citizenship can be obtained by naturalization.

8. In order to obtain citizenship by naturalization, it is required that the

applicant for citizenship, prior to the date of expressing his wish, shall have lived at least two years and subsequent to the expression of his wish one year on Estonian territory.

Applicants for Estonian citizenship must have a knowledge of the Estonian language.

9. The requirements foreseen in paragraph 8 as concerns time and language can be waived by admitting foreigners into Estonian citizenship, if they have special merits for social, state or military services on behalf of the republic, or when they are well known for their gifts, knowledge and works, or when they are of Estonian origin.

10. Applicants for acquiring Estonian citizenship by naturalization must be of at least eighteen years of age. Minors must present for this purpose the consent of their guardians or trustees.

11. The wives and children of foreigners can express their wish to acquire Estonian citizenship in spite of the wish of their husband or father, if they possess the requirements for that naturalization.

12. In the application, expressing the wish for acquiring the citizenship of the Estonian Republic by naturalization, there must be indicated:

(1) The name and surname of the applicant.
(2) Age.
(3) Family state.
(4) The names of his wife and children and their ages.
(5) Citizenship.
(6) Domicile.
(7) Since which time permanently living on the territory of the Estonian Republic.
(8) Profession.
(9) Property.
(10) Information regarding any previous punishment.
(11) If the candidate knows the Estonian language.

13. The application for acquiring citizenship by naturalization must be presented to the Minister of the Interior, with the necessary certification, regarding the questions indicated in paragraph 12, or with certified copies of the certificates.

If the applicant fulfills the requirements of naturalization and is not considered harmful to the state and society, a certificate of citizenship will be issued to him by order of the Minister of the Interior.

Against this decision there is no appeal.

Note. Only persons who have received certificates of citizenship are regarded as citizens.

14. An Estonian female citizen who has married a foreigner can, after her husband's death or in consequence of divorce or annulment of her marriage abroad, again acquire Estonian citizenship, if she be within the limits of the Estonian Republic, by forwarding an application, together with the

corresponding certificates as to the termination of the marriage, to the respective chairman or mayor of the district administration, or if abroad, to the nearest Estonian official, consul or diplomatic representative, or to the Minister of the Interior.

15. The children of (see paragraph 14) a widow or divorced wife, also of a female Estonian citizen married to a foreigner, but living permanently within the limits of the Estonian Republic, acquire citizenship of the republic when they become eighteen years old, if they do not express the wish to retain the citizenship of their father, as mentioned in paragraph 14.

16. In the manner foreseen in paragraph 14, such former Estonian subjects can reacquire Estonian citizenship, as also those former subjects of the Estonian Republic, who were in their childhood with their parents released from Estonian citizenship.

17. Estonian citizenship starts from the date of issuing the certificate re citizenship foreseen in this law.

III

18. Estonian citizenship is lost by a liberation from citizenship.

19. The following are considered to have lost their citizenship:

(1) Estonian female citizens who have married foreigners, if they do not within a fortnight from the date of contracting the marriage, in the limits of the Estonian Republic, express their wish to preserve their Estonian citizenship to the chairman or mayor of the respective district administration, or if abroad to the nearest Estonian official, consul, or diplomatic representative or the Minister of the Interior.

(2) Individuals released from citizenship as foreseen in paragraph 20.

20. The subjects of the Estonian Republic, if they desire to be released from the citizenship of the republic, must despatch the respective request to the Minister of the Interior. For this, those under eighteen years of age, require the consent of their parents or guardians. In the request must be indicated what nationality he desires to acquire; likewise there must be enclosed with the application the necessary certificate of being accepted by the other state.

If the applicant is not on military service, and has fulfilled all his obligations as a citizen, the Minister of the Interior decides to free the applicant from citizenship. But if the applicant is in the service of the army of defence, then, there must be attached to the application the consent of the Minister of War.

Against a negative decision of the Minister of the Interior, an appeal may be lodged to the administrative legal authorities.

21. Liberation from citizenship loses its force, if the freed individual remains in the limits of the republic for one year after the date he has received his liberation.

22. The decision of the liberation from citizenship does not concern the children of eighteen years old of the freed individual. Likewise also his wife, if she does not express the wish to leave the Estonian citizenship. Children under eighteen years own the new citizenship of their father only by consent of their mother.

23. The Minister of the Interior has the right to issue regulations and instructions for the fulfillment of this law.

24. The coming into force of this law will effect the abrogation of the regulation of the Country Council, regarding the citizenship of the Estonian Democratic Republic (*Riigi Teataja*, No. 4, 1918), and the law passed by the Government of the Republic, supplementing paragraph 6 of the mentioned regulation. (*Riigi Teataja*, No. 137–138, 1920.)

ETHIOPIA

EDITORS' NOTE. "Ethiopia has no [written] citizenship laws, and all matters relating to citizenship or nationality are governed by precedent or custom and the social or family status of the individual. Any case of citizenship or nationality arising at this time would go eventually to the King for decision. . . . There is not yet available any intelligibly defined or written procedure. The Minister of Foreign Affairs informs the Legation that a code of citizenship laws and regulations is now under preparation. . . . The date of completing and publishing the proposed laws is indefinite and may be considerably delayed." (Despatch No. 249, August 27, 1929, from the American Minister to Ethiopia to the Secretary of State.)

FINLAND

EDITORS' NOTE. Even before Finland became an independent state, Finnish nationality was distinct from that of any other nation. "It should be noted here that from the point of view of public law, Finland constituted even before [its independence] a state with a constitution and its own law, and even its own nationality; its citizens have never been subjects of another state. . . . Finnish nationality . . . was completely separated from Russian nationality." [1] The declaration of independence did not change the law of nationality.[2] This law was contained in the ordinances of 1626, paragraphs 9 and 10; of 1869, paragraph 2; and in the Constitution of 1772, paragraph 10.[3] It was provided that children born of Finnish parents acquired nationality *jure sanguinis*, no matter where born. An alien woman marrying a Finnish subject acquired his nationality, while a Finnish woman lost her nationality by marrying an alien. Three years' residence was required for naturalization.

The Constitution of July 17, 1919 contained provisions regarding nationality. The law of February 20, 1920 deals with naturalization of aliens, and abolishes all prior enactments regulating naturalization. The enforcement of this law was regulated by a decree of the same date.[4]

BIBLIOGRAPHY: Cahn, 531; Lehr, 87; Magnus, 40; Mechelin, "Staatsrecht des Grossfürstenthums Finland," *Handbuch des öffentlichen Rechts de Maquardsen* (1st ed.) IV, II, 1, 256.

For the text of the law of February 20, 1920, in Finnish, see Heruberg, *Finlands Rikes Leg.* (1920) 534; in French, see *Nouv. revue pratique de dr. int. pr.* (1920) 42. For comment, see *Ann. de lég. étr.* (1923) 462; Schwartz, 144.

CONSTITUTION OF JULY 17, 1919[5]

[TRANSLATION]

Article 4. Finnish nationality appertains as a matter of right to every person born of Finnish parents and to a woman of foreign nationality who has married a Finnish national.

A citizen of another country may be admitted to Finnish nationality in accordance with the conditions and procedure specifically regulated by law.

LAW OF FEBRUARY 20, 1920[6]

CONCERNING NATURALIZATION OF FOREIGNERS AS FINNISH CITIZENS

[TRANSLATION]

1. A foreigner can be naturalized upon his application under the condition
   (1) that he is of good reputation,
   (2) that he has lived in Finland for five years uninterruptedly before his application,

[1] *La situation juridique et les droits . . . des minorités en Finlande*, Finnish Ministry of Foreign Affairs Pamphlet (Helsingfors, 1921). [2] Ibid. [3] Lehr, 87.
[4] *Ann. de lég. étr.* (1923) 462. [5] Text from McBain and Rogers, 468–9.
[6] Text from enclosure with Despatch No. 80, November 20, 1924, from the American Minister to Finland to the Secretary of State.

(3) that he is in a position to care for himself and his family, and
(4) that he is free of his civic duties in another country or can become free through his naturalization.

A person who earlier has been a Finnish citizen can be granted rights of citizenship again even if he has not lived in Finland during the term mentioned in the second paragraph of this article.

For particular reasons the rights of citizenship can be granted to a foreigner even without observing the conditions of the second and fourth paragraphs.

2. The wife and minor children of a naturalized foreigner, who have arrived in Finland or those children born here, enjoy, without further formalities, his rights of citizenship.

3. To the application for naturalization evidence shall be attached concerning the previous citizenship of the applicant as well as of other persons covered by the application, their age, reputation, confession, state of health and the date when the applicant arrived in the country, as well as all places where he has lived since his arrival.

4. Before the final decision on the application of a foreigner for naturalization the respective commune or communes shall be asked concerning the conduct of the applicant, his ability to maintain himself and his family and whether it is desirable, in view of these or other circumstances, that his application be approved.

5. In cases when the application of a foreigner is approved without his having presented the evidence indicated in the fourth item of the first article of this law, it may be stipulated as a condition of naturalization that such evidence must be presented to the respective Governor by the applicant within a certain term, before he may take the oath of allegiance prescribed in Article 6.

6. A foreigner who has been granted rights of Finnish citizenship will be considered a Finnish citizen so soon as he has taken the oath of allegiance before the respective Governor.

7. The ordinance bringing this law into force will be issued as administrative legislation.

8. This law abolishes all enactments regulating the naturalization of Finnish citizens which have been issued heretofore.

REGULATIONS OF FEBRUARY 20, 1920[1]

PROMULGATED IN PURSUANCE OF ARTICLE 7 OF THE LAW OF FEBRUARY 20, 1920

[TRANSLATION]

1. The application for naturalization is to be addressed to the President of the republic and handed to the State Council. The evidence must be

[1] Text from enclosure with Despatch No. 80, November 20, 1924, from the American Minister to Finland to the Secretary of State.

enclosed concerning the preceding citizenship of the applicant and of all persons covered by the application, their age, reputation, confession, state of health and the date when the applicant arrived in Finland, with indication of the place or places where he has since lived.

2. The foreigner who has been granted rights of Finnish citizenship must within a certain period, fixed in the resolution on his application, take the oath of allegiance in the Finnish or Swedish language before the Governor of the province where his domicile is. Before this oath is taken he shall present to the Governor the aforesaid resolution and, from the respective church official in Finland, a certificate of the age, reputation and confession of the applicant, his wife and minor children, and, in case the application has been approved conditionally, he shall present evidence that he is free from his civic duties in other countries.

Unless the oath of allegiance is sworn to within the prescribed term the resolution granting citizenship is to be considered invalid.

The Governor is to issue a certificate to the applicant that he has sworn to the oath.

3. The Governors shall keep a record of persons who have been granted Finnish citizenship and who have taken the oath before the Governor; this register will indicate the date of the resolution on the applications, the names, age, reputation, confession, domicile and the date of the oath.

4. Immediately after the oath the respective extract from the aforesaid register shall be sent by the Governor to the corresponding tax-surveyor and church official, whose certificate was presented by the applicant before taking the oath.

5. For every month the Governor shall, before the end of the next following month, send to the State Council extracts from the said register with all records made during the preceding month.

LAW OF JUNE 17, 1927[1]

REGARDING THE LOSS OF FINNISH CITIZENSHIP

[TRANSLATION]

1. A Finnish citizen who becomes a citizen of another country loses his Finnish citizenship if his domicile is outside of Finland or if he resides abroad.

However, a male citizen of Finland, whose age is between seventeen and twenty-eight years and who has not fulfilled as a conscript his active military service and who has not been legally exempted from military service, may lose his Finnish citizenship only by a special decree of the President of the republic.

2. A Finnish citizen who was born outside of Finland and has never had

[1] Text from enclosure with Despatch No. 476, July 20, 1927, from the American Minister to Finland to the Secretary of State.

his domicile in Finland, has not been in the active military service in Finland as a conscript, and has not attended a Finnish or Swedish educational institution in Finland for at least two years, loses his Finnish citizenship at the age of twenty-two years, unless the President of the republic, upon petition, makes a contrary decision.

In regard to a woman married to a Finnish citizen, the provisions of the foregoing paragraph shall not be applied as long as her husband remains a Finnish citizen.

If a male citizen of Finland loses his citizenship under the provisions of this article, the loss of citizenship shall also apply to his children and his wife, if the latter has acquired Finnish citizenship by marriage. Children born out of wedlock acquire the citizenship of their mother.

3. Where it is in the interest of the state, the President of the republic may declare a Finnish citizen, who has acquired citizenship of another country but resides in Finland, deprived of his Finnish citizenship.

The provision of the foregoing paragraph may be applied also to a Finnish citizen who has entered the service of a foreign state without the permission of the President of the republic.

4. If a Finnish citizen, who enjoys the right of foreign citizenship or who wishes to become a foreign citizen, desires to relinquish his Finnish citizenship, he shall make application to the President of the republic. If the person making the application lives in Finland the application may be approved on the condition that he will leave the country within a certain period.

5. If a person wishes to have a decision rendered as to whether or not he is a Finnish citizen, he shall make application to the President of the republic, who will render the decision.

6. Detailed regulations which will be necessary for the practical application of this law shall be issued by means of an ordinance.

7. This law becomes operative on January 1, 1928.

A person, as provided by paragraph 1 of Article 2, who at the time of the enforcement of this law has attained the age of twenty-two years, loses his Finnish citizenship only one year after the enforcement of the law.

Those who previously have lost their Finnish citizenship without having become citizens of another country shall be considered as Finnish citizens after the enforcement of this law.

The provision of paragraph 2, article 3, shall not be applied to a person who had entered the service of a foreign state before the enforcement of this law, if he, within six months after this law becomes operative, has obtained a license to remain in the service of a foreign state or has left the service of a foreign state.

FRANCE

EDITORS' NOTE. While in very early times in France nationality, such as it was, seems to have been a matter of blood relationship,[1] in the feudal period *jus soli* had become the basis of the law of nationality,[2] and all persons born in France acquired French nationality, while all persons born abroad were aliens. There were many disabilities in regard to aliens. In order to remove such disabilities in regard to children born abroad of French nationals, French nationality was conferred *jure sanguinis* at the end of the eighteenth century.[3] The Constitution of September 14, 1791 provided that persons born in France were French citizens, except those who were born of a foreign father and who had not fixed their residence within France. Children born abroad of French parents were French only if they had come to establish themselves in France.[4]

The Civil Code of 1804 provided that children born in France of French parents could claim French nationality in the year following their majority, provided they had fixed or intended to fix their domicile in France (Article 9). Article 10 provided that children born abroad of a French parent acquired nationality *jure sanguinis*. According to Articles 12 and 19 a woman who married an alien followed the condition of her husband. The decrees of April 6, 1809 and August 26, 1811, which were repealed by the law of June 26, 1889 [5] did not change the Civil Code. The first modification of the code was by the law of March 22, 1849,[6] which facilitated the naturalization of children born in France of foreign parents.

The law of February 7, 1851, dealt with persons born in France of parents also born there. The law of June 29, 1867 [7] dealt with naturalization, while the law of December 16, 1874 [8] dealt with children born in France of parents born there, and modified the law of February 1851. Nationality of children of naturalized aliens was dealt with in the law of February 14, 1875.[9] The law of February 14, 1882 [10] provided for the nationality of children born abroad of foreign parents but naturalized French after such birth. It modified Article 2 of the law of February 7, 1851.

The changes brought about by the law of June 26, 1889 [11] were many. Article 8 provided that all children of a French citizen are French nationals, wherever born, while by Article 12 an alien woman who married a Frenchman followed the condition of her husband. By Article 9, when a French woman married an alien she followed his nationality only if she acquired it according to the laws of his country. This law repealed the decrees of April 6, 1809 and August 10, 1811, the laws of March 22, 1849, February 7, 1851, June 29, 1857, December 16, 1874, February 14, 1882, June 28, 1883, and all provisions contrary to it. It also modified Articles 7 to 10, 12, 13 and 17 to 21 of the Civil Code. The application of this law was regulated by the circular of August 23, 1889.[12] This law was modified by that of July 22, 1893,[13] which changed Article 8, paragraph 3 and Article 9 of the Civil Code.

The law of April 5, 1909 [14] added to Article 20 of the Civil Code a paragraph concerning the renunciation of the right to choose French nationality on attaining majority, to be made

[1] Cogordan, 21–25; Le Sueur et Dreyfus, *Nationalité*, 3–4.
[2] Bacquet, *Droit d'aubaine* I, Ch. I, No. 2; Ch. II, No. 1. Domat, *Droit public*, liv. 1, tit. 6, sec. L, No. 5.
[3] G. de Lapradelle, *Nationalité d'origine*, 137 *et seq.*
[4] They also had to take an oath. This was suppressed by the Constitution of June 27, 1793. Ibid.
[5] Clunet (1889) 750.
[6] Zeballos, I, 382.
[7] 69 *Br. and For. St. Papers*, 1099.
[8] Zeballos, I, 383.
[9] 73 *Br. and For. St. Papers*, 65.
[10] Clunet (1882) 648.
[11] Clunet (1889) 750.
[12] Id. 753.
[13] Clunet (1893) 967.
[14] *Rev. de dr. int. pr.* (1909) 412.

by the parent in the name of a minor. The law of April 7, 1913 [1] authorized the government to withdraw the decree of naturalization obtained by former subjects of states at war with France. The enforcement of this law was regulated by the decree of April 24, 1915.[2]

According to the law of March 18, 1917 [3] an alien woman who married a Frenchman did not acquire French nationality unless the marriage had been previously authorized by the Minister of Justice. The law of July 3, 1917 [4] concerned the right of option of children born in France of foreigners. The law of August 10, 1927 abrogates [5] Articles 8 to 10, 12, 13, 17 and 21 of the Civil Code and also the law of June 26, 1889, and the decree of August 13, 1889. In addition, it modifies Article 7, paragraph 2, of the law of July 3, 1917. The execution of this law is regulated by the decree of the same date,[6] and the instructions of August 13, 1927.[7]

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[1] 109 *Br. and For. St. Papers*, 923.
[2] Id. 925.
[3] *Rev. de dr. int. pr.* (1917) 384.
[4] *Jour. of Soc. of Comp. Leg.* (1918) 185.
[5] Post.
[6] *Rev. de dr. int. pr.* (1927) 601.
[7] Id. 605.

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elle acquiert la nationalité de son mari par l'effet du mariage, comme ayant possédé la qualité de Française durant la période qui s'est écoulée entre le jour de sa majorité et celui de la célébration de son mariage?" Clunet (1929) 809; M. Th. Nicot, "La nationalité de la femme mariée et la loi française du 10 août 1927," *Rev. de dr. int. et de lég. comp.* (1928) 646. J. Valéry, *La nationalité française, commentaire de la loi du 10 août 1927* (Paris, 1927), reviewed in *Rev. de dr. int. et de lég. comp.* (1929) 358. For the text of the decree of August 10, 1927, in French, see Clunet (1927) 1221; *Rev. de dr. int. pr.* (1927) 602. For the text of the Instructions of August 13, 1927, in French, see Clunet (1927) 1226; *Rev. de dr. int. pr.* (1927) 605. For the text of the circular of the Minister of Justice of August 14, 1927, regarding naturalization, in French, see Clunet (1929) 525. For the text of the circular of the Minister of Justice of July 26, 1928, regarding reacquisition of French nationality by a widow, in French, see Clunet (1929) 535. For the text of the circular of July 28, 1928, regarding reacquisition of nationality by a married woman, in French, see Clunet (1929) 536. For the text of the decree of November 4, 1928, regarding Indo-China, in French, see *Jour. off.*, November 8, 1928; *Rev. de dr. int. pr.* (1929) 170. For the text of the decree of November 5, 1928, regarding enjoyment of civil rights in colonies other than Guadeloupe, Martinique and Réunion, in French, see Clunet (1929) 234; *Jour. off.*, November 15, 1928, and February 23, 1929, *errata; Rev. de dr. int. pr.* (1929) 171. For comment, see Eugene Audinet, "La nationalité française dans nos colonies," Clunet (1929) 25.

LAW OF AUGUST 10, 1927 [1]

[TRANSLATION]

Article I. The French nationality belongs to:

(1) Every legitimate child born of a Frenchman in France or abroad;

(2) Every legitimate child born in France of a father who himself was born there;

(3) Every legitimate child born in France of a French mother;

(4) Every natural child whose parentage is established while it is under age through acknowledgment or under a court decree when the parent concerning which the proof was made is a French citizen;

When the parentage is found to be that of the father and the mother from the same instrument or the same decree, the child takes the French nationality of his father. The fact that a minor child is legitimated confers upon him, unless he has it already, the French nationality of his father;

(5) Any natural child born in France, when either the father or mother whose nationality it should take under paragraph 4, first subsection, is himself or herself born in France;

(6) Every natural child born in France, when the parent whose nationality does not belong to him under the provision above cited is a Frenchman;

(7) Any person born in France of unknown parents or whose nationality is unknown.

Article II. The French nationality, subject to the option of casting it off within the year after they become of age as regulated by the French law, belongs to:

[1] Text from *Journal officiel*, August 14, 1927.

(1) All legitimate children born in France of an alien mother who herself was born in France;

(2) All natural children born in France of alien parents, when the parent whose nationality they should not take according to Article I was himself or herself born in France.

In order to be allowed to cast off the French nationality, the party concerned must prove through a certificate in due form of his government appended to his declaration that he has maintained the parents' nationality; the case arising, he shall, in addition, produce a certificate showing that he has performed his military duties in his country, save the exceptions for which provisions are made in the treaties.

The option to cast off nationality ceases:

(a) When, while the child is under age, the surviving father or mother of the legitimate child, the surviving parent of the natural child or the parent whose nationality would be taken by the child, have been naturalized or reinstated in their citizenship;

(b) When a declaration was signed, in accordance with the forms provided by Article V, with a view to waiving that option, either by the minor after he has reached the age of sixteen, qualified under the conditions set forth in Article III, subsection 2, or in his own name before he reaches that age;

(c) When the minor voluntarily partook in recruiting operations, in accordance with the provisions of the military laws.

Those provisions do not apply to children born in France of diplomatic and consular officers of career of foreign nationality, who, if they have their domicile here, may, from the age of sixteen to that of twenty-two completed, claim French citizenship under the provisions set forth in Article III.

Article III. Any person born in France of an alien and having his domicile in France, who will declare that he claims French nationality, may, up to the age of twenty-one years completed, become a Frenchman.

If more than sixteen years old, the declarant must be authorized by the parent wielding paternal power, or, the case arising, by the guardian, upon a concurring opinion of the family board. If he is less than sixteen years old, the declaration may be signed in his behalf by his legal representative as above described.

The recording of the declaration, signed in accordance with Article V hereinbelow, may be denied for unworthiness. In such a case, an order is issued upon the concurring opinion of the Council of State. The declarant duly summoned will be allowed to produce papers and memorials. The decision must be given not more than six months after the date of the declaration, or, if there is any dispute as to the said declaration being regular, not more than six months after the date of the decree of the court which declared it regular has become final.

Voluntary participation in the recruiting operations, under the conditions laid down by the military laws for sons of aliens born in France and, subject

to the qualifications provided for by subsection 2, will take the place of the declaration referred to in subsection 1. The entry in the rolls may be denied by the prefect on the ground of unworthiness, upon the concurring opinion of the Council of State.

The provisions of this article will not apply to a person who is subject to a decree of expulsion, the effects of which have not been suspended.

Article IV. Any person born in France of an alien becomes a Frenchman at the age of twenty-one if he has his domicile in France, unless, within the year following his becoming of age, he refused to take up the French citizenship in accordance with the prescriptions of Article II.

This provision will not apply:

(a) To children born in France of diplomatic and consular officers of career of foreign nationality who will have the option of claiming French citizenship under the conditions set forth in Article III;
(b) To the person lying under a decree of expulsion, the effects of which have not been suspended.

Article V. Any declaration signed, either with a view to acquiring or casting off the French citizenship, shall be received by the Justice of the Peace of the canton in which the declarant has his domicile, or, if there be none, his residence. In the case of residence abroad, it is signed before the diplomatic and consular officers.

Unless recorded at the Ministry of Justice, the declaration shall be regarded as null and void.

After recording, it must be published in the Bulletin of Laws. Should, however, this formality be omitted, it may not work to the injury of the rights of the declarant.

The recording is denied when the declarant does not meet the conditions required by the law. The denial and the grounds therefor are, within three months from the date of the declaration, to be notified to the declarant, who has a right to appeal to the civil courts in accordance with Articles 855 *et seq.* of the code of civil procedure.

Failing such notice, and when the above-mentioned time limit expires, the Minister of Justice must, unless he questions the declaration on the ground of unworthiness, deliver to the declarant, on his application, a copy of his declaration bearing the mention that it has been recorded.

The declaration, after it has been duly recorded, works its effect from the day on which it was signed.

Article VI. Naturalized aliens acquire French citizenship.

Naturalization is granted by decree which is issued after an inquiry has been made concerning the alien.

Those who may be naturalized, save the express authority given by the legal representative of a person under age, under the provisions of Article III, subsection 2, are:

(1) Aliens more than eighteen years old who are in position to prove that they have uninterruptedly resided in France for three years.

A stay in a foreign country in the discharge of official duties conferred upon him by the French Government, or a sojourn in a country that is in customs union with France is regarded as the same as residence in France;

(2) Foreigners, aged eighteen years and upwards, after a year of uninterrupted residence in France or in the conditions of assimilation above determined, if they have rendered important services to France, if they have brought to it distinguished talents, if they have introduced either an industry or useful inventions, if they have created industrial or other establishments, or agricultural exploitations, if they have served in the French or allied armies, if they have received diplomas from French faculties, if they have married a French woman or if, born in France, they have established there a domicile at a date subsequent to their majority.

(3) Any person born abroad, either of a Frenchman of whom, under the provisions of Article I, paragraph 4, subsection 1, he does not possess the nationality, or of a French woman, or born in France or abroad of parents one of whom may have lost his or her French citizenship, and at any age and without any condition of sojourn, provided his or her domicile is in France. The same applies to the progeny of families that were exiled when the Edict of Nantes was revoked.

In the cases provided for in this paragraph, when the application for naturalization concerns a minor it is drawn up by his legal representative, as determined in Article III, subsection 2, if less than sixteen years old, or with that representative's authorization by the party concerned himself if more than sixteen years old.

Any naturalized foreigner shall enjoy all the civil and political rights going with the status of a French citizen. However, he can not be appointed to any office except ten years after the decree of naturalization unless he has performed his military duties in the active service of the French Army, or when, on exceptional grounds the time has been shortened by a decree issued upon a report of the keeper of the seals giving the grounds.

Article VII. Those who may be naturalized without any condition of probation are: a woman, whether of or under age, who is married to a foreigner who, after the marriage becomes a French citizen, and the children of such alien who are of age.

The minor unmarried legitimate or legitimated children of a surviving father or mother who becomes a French citizen by naturalization, or under Articles III and IV, become French.

The unmarried natural children under age become French when the parent who obtains French nationality by naturalization or in accordance with the provisions of the articles referred to in the foregoing subsection is the one whose nationality they should take under Article I, paragraph 4, subsection 1.

The provisions of the two preceding paragraphs do not apply:

(1) To persons, who, being less than twenty-one years old, should have been ordered deported under an order, the effects of which have not been suspended;

(2) Those who happen to serve or have served in the armies of their original country; these, however, may apply for French naturalization without any condition of preparation after they are eighteen years old.

Minor married children are allowed to apply for French naturalization without condition of preparation after the age of eighteen.

Article VIII. A foreign woman who marries a Frenchman only becomes a French woman on her express application or when, in accordance with the provisions of the law of her nation, she necessarily is put in the condition of her husband.

A French woman who should marry an alien maintains her French nationality unless she expressly declares a wish to acquire, in accordance with the provisions of the law of the nation of the husband, the said husband's nationality.

She loses French nationality if the spouses fix their first domicile out of France after the celebration of the marriage and if the woman acquires necessarily the nationality of the husband, in virtue of the national law of the latter.

Article IX. French nationality is lost by:

(1) A Frenchman who is naturalized abroad or who, on his own request acquires a foreign nationality by operation of the law after he is twenty-one years old.

However, until ten years have gone by, counted from either enlistment in the active army or the entry on the military liability list in case he is excused from active service, he who has become a foreign subject does not lose his French citizenship except under special authorization by the French Government;

(2) Any Frenchman who has repudiated his French nationality as provided in Article II;

(3) Any Frenchman, even though he be under age, who holding, by operation of the law and without any expressed will on his part, a foreign nationality, is authorized, on his request, by the French Government to maintain it;

(4) Any Frenchman, who, holding abroad a government office, remains in it in spite of the injunction served upon him by the French Government to resign within a certain time.

That measure can not be made to take in the wife or minor children except under a decree of the civil courts made in the form provided by Article X;

(5) Any Frenchman, who, after acquiring, on his request or that of his legal representatives, the French nationality, is declared by a judgment of the court to have forfeited that nationality.

He would be liable to such forfeiture:

(a) On account of committing acts against the domestic and foreign safety of the French State;
(b) Of having engaged, for the benefit of a foreign country, in acts inconsistent with his French citizenship and conflicting with the interests of France;
(c) Of having evaded the obligations laid upon him by the recruiting laws.

Article X. Action for forfeiture must be instituted within ten years from the time when French citizenship has been acquired, and that term only begins to run from the date of the promulgation of this law if the status was acquired prior to its going into operation.

In the case of persons who acquired the French nationality prior to the putting into effect of this law, forfeiture can only be incurred for acts of later date than such going into effect.

The action is instituted on the motion of the Minister of Justice, by the government attorney, in the civil court of the domicile, or, if he has none, of the residence of the party concerned.

When the domicile and the residence are both unknown, or are in a foreign country, the action is brought before the court of the last known domicile or residence.

The proceedings, recourses, and costs, as also the effects of the final decision, are regulated in accordance with the forms provided by Articles 2 to 12 inclusive of the law of June 18, 1917, with the exception of paragraph 2 of Article 11 of that law; however, the judge put in charge of the case, if need be, by the court for the purpose of inquiry, must, under penalty of making the act and the subsequent procedure null and void, conform to Articles 3, 9 and 10 of the law of December 8, 1897.

Article XI. Any one who has forfeited his French citizenship may recover it at any time of his life through a decree, provided he resides in France and that, if under age, he be duly represented or authorized as prescribed in Article III, subsection 2.

If reentered, he immediately acquires all the civil and political rights.

The status of a Frenchman may be granted to the wife and children of age, if they apply therefor. Children under age, not married, of the surviving father or mother who has been reinstated, become French unless they come under the provisions in Article VII, paragraph 4.

The natural children that are not married become French on the conditions set by Article VII, paragraph 3, and subject to the provisions in Article VII, paragraph 4.

Article XII. Those who acquire the status of Frenchmen in the cases provided by Articles III and IV, or are reentered to it in the case provided by Article XI, can only avail themselves of that when rights are involved that were open for them since that time.

Article XIII. Article 8 of the Civil Code, beginning with the words "are French", and Articles 9, 10, 12, 13, 17, 18, 19, 20 and 21 of the same code and also the law of June 26, 1889, are hereby repealed.

The provisions in Article 7, subsection 2, of the law of July 3, 1917, are repealed in so far as they apply to men who served in the French or Allied Armies during the legal time of the hostilities.

Transient Provisions

Article XIV.—(a) Any French woman who has married a foreigner prior to the going into operation of this law may, if her customary residence has been for not less than two years within French territory, recover the French nationality through a declaration made before the Justice of the Peace of her domicile or, if there be none, of her residence, within one year after the promulgation of this law.

During the wedlock this option can only be exercised, with the consent of the husband and when the conjugal domicile is on the territory of the nation.

However, those two conditions shall not be required when the husband is an absentee, is missing, or has been legally declared incompetent, when there is separation *a mensa et thoro*, or when the spouses have been actually separated for one year or more, an action for separation *a mensa et thoro* or for divorce is already pending.

Those declarations will be signed in accordance with the provisions in Article V of this law.

Registration may be denied on the ground of unworthiness, in accordance with the provisions of Article III, subsection 3.

At the expiration of the above stated, or in the absence of the conditions above described as to the domicile and residence, the woman who lost the status of French citizen on account of marrying an alien can only be reinstated as provided in Article XI of this law.

The foregoing provisions also apply to Alsace-Lorraine women who married an alien before November 11, 1918, and who, on account of that wedding could not be automatically reentered to the French nationality under paragraph 1 of the Annex to Section 5, part 3, of the Treaty of Versailles;

(b) The service in a foreign army, even though, it should antedate the promulgation of this law, can not entail forfeiture of the French citizenship unless such forfeiture was made of record by a court decision that had become *res judicata;*

(c) Aliens who were naturalized prior to the promulgation of this law only come under the ineligibility provided by Article VI, in so far as legislative assemblies come into consideration.

Article XV. This law is applicable to Algeria, as well as the colonies of Guadalupe, Martinique, and Réunion.

In the case, however, of Algerian natives, the *senatus-consultum* of July 14, 1865, and the law of February 4, 1919, will continue in force.

This law discussed and passed by the Senate and the Chamber of Deputies shall be executed as a law of the state.

DECREE OF AUGUST 10, 1927 [1]

Relating to the examination of requests for naturalization and of declarations of nationality, and conditions of form of the choice made by women for the nationality of the husband at the time of the celebration of their marriage, as well as the declarations signed by married women who have lost the status of French nationality as a result of their marriage to foreigners for the purpose of regaining their original nationality.

[Translation]

In view of the law of August 10, 1927, on nationality;

In view of Articles 6, 7 and 11, relative to naturalization and reinstatement in French nationality (Title I);

In view of Articles 2 to 5 providing for the signing of the declaration of nationality (Title II);

In view of Article 8 according to which the woman's right of choice may be exercised at the time the marriage is celebrated (Title III);

In view of Article 14 determining the conditions on which, during the year following the promulgation of the present law, French women who have lost their nationality because of marriage with foreigners may regain the status of French citizens (Title IV);

In view of Article 13 abrogating Article 8, from the words "are French", and Articles 9, 10, 12, 13, 17, 18, 19, 20 and 21 of the Civil Code and of the corresponding provisions of the law of June 26, 1889, as well as those of Article 7, paragraph 2, of the law of July 3, 1917, as regards persons having served in the French or Allied Armies during the legal period of hostilities;

In view of Article 15, determining the scope of application of the nationality law.

Title I

Article 1. A foreigner who wishes to obtain naturalization, or a former Frenchman who requests his reinstatement in French nationality, must send a request written on stamped paper to the Minister of Justice.

When the interested person is less than twenty-one years of age, his request should be countersigned by the parent invested with the paternal authority. In case of the death of his father and mother, or the practical or legal impossibility of producing their consent, the applicant should show the opinion of his family council.

This request is deposited either at the prefecture of the department where-

[1] Text from *Journal officiel*, August 14, 1927.

in the applicant resides or, in case he resides at Paris or in the Department of the Seine, at the prefecture of police.

The interested person should attach to his application the certificates of civil status and the proofs which are required of him to establish his identity, his nationality of origin, his family situation, his profession and the length of his sojourn in France, as well as testimonials as to his antecedents and morality in the country of his origin or in every foreign country where he has lived.

Where it would be impossible for the applicant to secure the certificates of civil status required, they may be furnished by an *acte de notoriété* [1] issued by a Justice of the Peace in the form prescribed by Article 71 of the Civil Code.

In addition, the Minister of Justice may excuse the person concerned from producing an *acte de notoriété* if a similar document, which is in his possession, seems sufficiently authentic to establish his identity and his family record.

Article 2. In the matter of naturalization or reinstatement in French nationality, the Prefect, by virtue of his office, proceeds to the inquiry prescribed in Article 6, paragraph 2, of the law of August 10, 1927. This inquiry should take into consideration the morality and loyalty of the applicant as well as the advantage which the granting of the favor requested would give from national and social points of view.

When the inquiry has been concluded, the Prefect forwards the papers to the Chancery, attaching thereto report No. 2 of the criminal records (*casier judiciaire*). He expresses an opinion based upon the result which the matter seems to him to admit of, likewise mentioning the total of the chancery fees which it would be proper to assess the applicant.

Title II

Article 3. Declarations signed before a Justice of the Peace or consular and diplomatic agents, either to acquire or to renounce the quality of French nationality, in the cases provided for by Articles 2, 3, 4, 8 and 14 of the law of August 10, 1927, and following the forms prescribed by Article 5 of the said law, shall be drawn up in duplicate upon stamped paper.

They may be made by special and properly attested power of attorney. A minor should be thereunto qualified according to the same forms by a legal representative, if such representative is not present at the execution of the document.

The person making the declaration should produce in support thereof, in conformity with the conditions fixed in Article I of the present decree, all proofs relative to his civil state or, where necessary, to the civil state of his children, when the declaration is signed in their name.

[1] The *acte de notoriété* for which no exact English equivalent could be found, means a document meant to certify a well-known and constant fact and issued by a mayor, Justice of the Peace, etc.

Article 4. The request of the declarant's wife who, upon being questioned in the proceedings, has indicated her willingness to be included in her husband's declaration and to secure naturalization or reinstatement in French nationality, shall be attached to this declaration.

Article 5. In case of a signed declaration for the acquisition of French nationality, the Justice of the Peace, applying Article 3 of the law of August 10, 1927, proceeds to an inquiry dealing with the morality and loyalty of the minor concerned, if he is more than fifteen years old. He attaches report No. 2 of his criminal record to the papers.

In the case provided for in the aforesaid Article 4, the Justice of the Peace gives an opinion which seems to him to be justified by the woman's petition, attaching report No. 2 of her criminal record (*casier judiciaire*) to the papers.

Article 6. The two copies of the declaration and the proofs are immediately sent by the Justice of the Peace to the Solicitor of the republic who at once forwards them to the Minister of Justice, after having attached his opinion to that of the cantonal magistrate upon the expediency of the registration in the cases given in Article 5.

Article 7. One of the two copies of the declaration recorded at the Chancery is deposited in its archives, the other is returned to the declarant, with a notation regarding its having been recorded.

Title III

Article 8. When a Frenchman marries a foreign woman, the officer of civil status, except in cases where exemption is granted by the Solicitor of the republic, has the future wife remit, with the documents necessary for the marriage, a customary certificate defining the consequences of a marriage contracted with a foreigner upon the woman's nationality from the point of view of her national law.

If the woman in question does not necessarily acquire the nationality of her husband according to its statutes and if, applying Article 8 of the law on nationality, she states her intention of taking French nationality, she must sign a declaration to that effect before the civil officer before the celebration of her marriage.

This declaration is drawn up in duplicate. One copy is delivered to the person concerned, the other, with a copy of the marriage certificate, is sent, through the republic's Solicitor, to the Chancery to be placed in the archives.

Article 9. In case of a marriage contracted in France by a Frenchwoman with a foreigner, the officer of civil status invites the future husband, except when exempted by the Solicitor of the republic, to produce, together with the documents forming the marriage papers, a customary certificate affirming that the future wife is capable of acquiring, or necessarily acquires the nationality of her husband as a result of the marriage, and also a written state-

ment regarding the place of conjugal domicile after the celebration of the marriage.

In case of the establishment of the conjugal domicile in France, and if the woman must or may acquire the nationality of the husband, according to the foreign laws of the latter, the officer of civil status advises the future wife that, applying Article 8, paragraph 2 of the law of August 10, 1927, she preserves French nationality unless she expressly declares that she wishes to take the nationality of her husband, in accordance with the national law of his country. If the woman expresses this determination, she must sign a declaration in accordance with the conditions and forms provided in the foregoing article. Under pain of nullity, this declaration must specify the nationality which the future wife expected to acquire.

Article 10. When a foreign woman who marries a Frenchman outside of France does not, according to her law, necessarily acquire the nationality of her husband as a result of the marriage, and when she expects to claim the status of a Frenchwoman in accordance with Article 8 of the law of August 10, 1927, she must make a declaration to that end before a French diplomatic or consular agent previous to the celebration of her marriage.

The woman concerned produces, with her birth certificate, the customary certificate provided for in Article 9 of the present decree.

The declaration is drawn up in triplicate, one copy of which is filed in the archives of the embassy, legation or consulate where the document is received, the other two copies being sent, one to the person concerned and the other to the Chancery with a copy of the marriage certificate.

Article 11. In the case of a marriage contracted outside France by a Frenchwoman with a foreigner, if the first conjugal domicile, after the celebration of the marriage, is fixed in France, the future wife, when she expects to claim the nationality of her husband, in accordance with his national law, must, before the marriage takes place, sign the declaration provided for in the foregoing article before a French diplomatic or consular agent.

With her birth certificate she must produce a customary certificate affirming that the married woman is capable of acquiring or necessarily acquires the nationality of her husband as a result of the marriage.

The certificate is drawn up according to the forms provided in the foregoing article.

Title IV

Article 12. In the case of a declaration signed to regain the status of a Frenchwoman, by virtue of Article 14 of the law of August 10, 1927, by a woman who had lost that status as a result of her marriage, the Justice of the Peace may require of the declarant, besides documents relative to her civil state and her origin, a customary certificate setting forth that she possesses the nationality of her husband on account of her marriage. A woman from

Alsace or Lorraine who seeks the advantage of the same article must, under the same circumstances, prove her origin or her present status.

While the state of marriage exists, the woman concerned must be supported by her husband who, if he is not present when the document is drawn up, must give his wife special authorization, in a legally executed document.

In case of the absence or legal incapacity of the husband or judicial separation, the woman concerned, who may sign the declaration without any authorization, must produce the instrument establishing her legal competency.

If the husband has disappeared, the fact of his disappearance must be established at the inquiry which the Justice of the Peace will have held upon the morality and loyalty of the declarant, in accordance with the provisions of Article 5 of the present regulations.

If the husband and wife having actually lived apart for a year, a suit for judicial separation or divorce has already been begun, the situation must be proved both by the inquiry and by the attestation of an attorney connected with the suit concerning the status of the proceedings under way.

Report No. 2 of the criminal record (*casier judiciaire*) of the declarant is attached to her papers before their transmission to the bar.

FRENCH COLONIES

(Other than Guadeloupe, Martinique, and Réunion)

DECREE OF NOVEMBER 5, 1928 [1]

DETERMINATION, EXCEPT WITH RESPECT TO NATIVES, OF CONDITIONS FOR THE ENJOYMENT OF CIVIL RIGHTS, THE ACQUISITION, LOSS AND RECOVERY OF THE STATUS OF FRENCHMAN IN THE COLONIES OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION

[TRANSLATION]

The President of the French Republic,

On the report of the Colonial Minister [2] and the Keeper of the Seals, the Minister of Justice,

In view of Article 18 of the *senatus-consultum* of May 3, 1854;

In view of the decree of February 7, 1897, determining the conditions under which the provisions of the law of June 26, 1889, on nationality are applicable to the colonies other than Guadeloupe, Martinique and Réunion;

In view of the law of August 10, 1927, on nationality, and particularly Articles 13 and 15 worded as follows:

> Article 13. Article 8 of the civil code from the words "are French" and Articles 9, 10, 12, 13, 17, 18, 19, 20 and 21 of the same code, and also the law of June 26, 1889, are abrogated.
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> Article 15. The present law is applicable to Algeria, as well as to the colonies of Guadeloupe, Martinique and Réunion.

[1] Text from *Journal officiel*, November 15, 1928, p. 12113.

[2] Translation of Report to the President of the French Republic, of November 5, 1928 (*Journal officiel*, November 15, 1928, p. 12112):

MR. PRESIDENT: The law of August 10, 1927, on nationality gives greater access to citizenship than did the law of June 26, 1889.

Furthermore, the legislator has declared the law of 1927 applicable to the colonies in the Antilles and to Réunion, just as he had declared the law of 1889 to be applicable to these colonies.

But on the contrary, with respect to the other French possessions, they are subject to the régime of decrees, in execution of Article 18 of the *senatus-consultum* of May 3, 1854.

The regulations on public administration of February 7, 1897, now determine the conditions on which the provisions of the law of June 26, 1889, on nationality are applicable to the colonies other than Guadeloupe, Martinique and Réunion; for the provisions of the law of 1927 to be extended and adapted to the said possessions, it was, accordingly, necessary for a decree to be issued, with the advice of the Council of State.

Furthermore, it is a matter of expediency for them to have the new code of nationality applied to their territories. As a matter of fact, people tend more and more to interpenetrate. Foreign emigration is increasing in the majority of our possessions and it is there a corollary of this movement of interpenetration. It is thus normal and essential that the influence of the *jus soli* should be extended in our colonies, as has just been done in the mother country.

An interministerial committee was formed with a view to preparing the text which should replace that of February 7, 1897.

In agreement with the Keeper of the Seals, Minister of Justice, and after receiving the opinion of the Council of State, I have the honor to submit for your high approval the draft

The *senatus-consultum* of July 14, 1865, and the law of February 4, 1919, shall, however, continue to be applied, even on the territory of the mother country, with respect to native Algerians.

In view of the decree of August 10, 1927, issued for the application of the provisions of the law aforesaid;

The Council of State having been heard,

Decrees:

TITLE I.—ENJOYMENT OF CIVIL RIGHTS IN THE COLONIES OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION

Article 1. The exercise of civil rights is independent of the exercise of political rights, which are acquired and preserved in conformity with the constitutional and electoral laws.

TITLE II.—ACQUISITION, LOSS AND RECOVERY OF THE STATUS OF FRENCHMAN IN THE COLONIES OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION

Article 2. The following are French:

(1) Every legitimate child born in the colonies, to a Frenchman;
(2) Every legitimate child born in the colonies to a father who was born in France or in the colonies;
(3) Every legitimate child, born in the colonies, of a French mother;
(4) Every natural child, whose filiation is established during his minority, by recognition or by judgment, when the one of the parents with respect to whom proof was first shown is French.

If the filiation results, with respect to the father and the mother, from the same act or the same judgment, the child takes the French nationality of his father.

The legitimation of a minor child gives him, if he does not already have it, the French nationality of his father.

(5) Every natural child, born in the colonies, when that one of his parents whose nationality he should take, under the terms of paragraph 4 of the present article, was himself (or herself) born in France or in the colonies;
(6) Every natural child, born in the colonies, when that one of his parents whose nationality he should not take, under the terms of the provision mentioned above, is French;
(7) Every individual, born in the colonies, of unknown parents or parents whose nationality is unknown;

The provisions of the present article are not applicable to the children of diplomatic agents and consuls of career of foreign nationality who, if they are domiciled in the colonies, shall have the privilege of claiming the status

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of a decree drawn up by the said committee and the subject of which is, except with respect to natives, the enjoyment of civil rights, the acquisition, loss and recovery of the status of Frenchman in the colonies other than Guadeloupe, Martinique and Réunion.

Please accept, Mr. President, the assurances of my profound respect.

LÉON PERRIER,
Colonial Minister.

of Frenchmen, from the age of sixteen up to the completion of their twenty-second year, according to the conditions determined by Article 4.

Article 3. The following are French, subject to the right of repudiating this status in the year following the attainment of their majority, as regulated by French law:

(1) Every legitimate child, born in the colonies of a foreign mother who was herself born in France or in the colonies;
(2) Every natural child, born in the colonies of foreign parents, when that parent whose nationality he should not follow, under the terms of Article 2, was himself (or herself) born in France or in the colonies.

In order to be allowed to repudiate the status of Frenchman, the interested party must prove, by a certificate of his government made in due form, attached to his declaration, that he has preserved the nationality of his parents. If there is occasion, he must also produce a certificate stating that he has complied with the military law of his country, subject to the exceptions provided in treaties.

The right of repudiation ceases:

(a) If, during the minority of the child, the surviving father or mother of the legitimate child, the surviving parent of the natural child or the parent whose nationality the latter takes has been naturalized or reinstated;
(b) If a declaration has been signed according to the forms provided in Article 15 with a view to renouncing this privilege either by the minor at the age of more than sixteen years, qualified under the conditions set forth in Article 4, paragraph 2, or in his name before that age;
(c) If the minor voluntarily participated in recruiting operations, in accordance with the provisions of the military laws.

These provisions are not applicable to children of diplomatic agents and consuls of career of foreign nationality who, if they are domiciled in the colonies, shall have the right to claim the status of Frenchmen, from the age of sixteen years until the completion of their twenty-second year, according to the conditions determined by Article 4.

Article 4. Any individual born in France or in the colonies of a foreigner and domiciled in the colonies who shall state that he claims the status of Frenchman may, up to the completion of his twenty-first year, become French.

If he is more than sixteen years of age, the declarant must be authorized by the parent invested with the paternal authority or, if there is occasion therefor, by his guardian, after agreement of the family council. If he is less than sixteen years of age, the declaration may be signed in his name by his legal representative determined as above.

The registration of the declaration signed in conformity with Article 15 below may be refused on account of disqualification. In such case, decision is made by a decree rendered upon the advice of the Council of State. The declarant, duly summoned, has the right to produce documents and memorials. The decision must be made in not more than a year after the declaration or, if the regularity thereof has been contested, not more than a year after the day when the judgment which admitted its regularity became final.

Voluntary participation in recruiting operations under the conditions determined by the military laws for the sons of foreigners born in France or in the colonies (and), subject to the qualification mentioned in paragraph 2, takes the place of the declaration contemplated in paragraph 1. Entry on the conscription rolls may be refused by the governor of the colony because of disqualification.

The provisions of the present article are not applicable to an individual against whom a decree of expulsion has been issued the effects of which have not been suspended.

Article 5. Any individual born in France or in the colonies of a foreigner becomes a Frenchman at the age of twenty-one years, if he is domiciled in the colonies, unless, during the year following the attainment of his majority, he refused the status of Frenchman, complying with the stipulations of Article 3.

This provision is not applicable:

(a) To the children of diplomatic agents and consuls of career of foreign nationality who shall have the privilege of claiming the status of Frenchmen under the conditions determined in Article 4;
(b) To an individual against whom a decree of expulsion has been issued the effects of which have not been suspended.

Article 6. Naturalized foreigners acquire French nationality.

Naturalization is granted by a decree rendered after an inquiry concerning the foreigner.

The following may be naturalized under the terms of Article 4, paragraph 8, subject to the express authorization of the minor through his legal representative:

(1) Foreigners over eighteen years of age, domiciled in the colonies, who can prove an uninterrupted residence of three years in France or in the colonies.

Sojourn in a foreign country for the execution of an office conferred by the French Government or sojourn in a country having a customs union with France is assimilated to residence in France.

(2) Foreigners over eighteen years of age, domiciled in the colonies, after a year of uninterrupted residence in France or in the colonies, or under the conditions of assimilation determined above, if they have rendered valuable services to France or to its colonies, if they have brought thither distinguished talents, if they have

introduced there either an industry or useful inventions, if they have founded there either industrial or other establishments, or agricultural operations, if they have served in the French or Allied armies, if they have obtained diplomas issued by French schools, if they have married a person of French nationality, or if, born in France or in the colonies, they established their domicile in the colonies at a date subsequent to their majority;

(3) Any individual born abroad, either to a Frenchman whose nationality he does not take in conformity with the provisions of Article 2, paragraph 4, subparagraph 1, or of a Frenchwoman or born of parents one of whom has lost the status of Frenchman and this at any age and without conditions of residence, provided that he is domiciled in the colonies.

In the cases provided for in the present paragraph, if the request for naturalization concerns a minor, it is made by his legal representative, as determined in Article 4, paragraph 2, if he is less than sixteen years of age or by the interested party himself, with such representative's authorization, if he is more than sixteen years of age.

The naturalized foreigner enjoys all the civil and political rights attached to the status of French citizen. However, he may not be invested with elective offices or mandates until ten years after the decree of naturalization, unless he has complied with the military obligations of active service in the French army or unless, for exceptional reasons, this period has been abrogated by a decree issued on a reasoned report by the Keeper of the Seals and the Colonial Minister.

Article 7. The following may obtain naturalization without residence requirement: a woman, major or minor, married to a foreigner who acquires French nationality subsequent to the marriage and the major children of such foreigner.

The minor, unmarried, legitimate or recognized children of a surviving father or mother who becomes a naturalized Frenchman or who acquires French nationality by the application of Articles 4 and 5, become French.

The minor, unmarried, natural children of a surviving parent who becomes a naturalized Frenchman or whose parent, who acquires French nationality by naturalization in conformity with the provisions of the articles contemplated in the above paragraph, is the one whose nationality they take according to the terms of Article 2, paragraph 4, subparagraph 1, become French.

The provisions of the two preceding paragraphs are not applicable: (1) to individuals who, of less than twenty-one years of age, may have been the subject of a decree of expulsion the effects of which have not been suspended; (2) those who would serve or would have served in the armies of their country of origin; however, these latter have the privilege of requesting French naturalization without residence requirement after the age of eighteen.

Married minor children have the privilege of requesting French naturalization without residence conditions after the age of eighteen.

Article 8. The foreign woman who marries a Frenchman in the colonies does not acquire the status of Frenchwoman except upon her express request or if, in conformity with the provisions of her national law, she necessarily assumes the condition of her husband.

The French woman who marries a foreigner in the colonies preserves French nationality, unless she expressly declares that she wishes to acquire the nationality of her husband, in conformity with the provisions of the national law of the latter.

She loses her French status if the first domicile of the couple, after the celebration of the marriage, is established outside France or the colonies, and if the woman necessarily acquires the nationality of the husband, by virtue of the national law of the latter.

Article 9. The following lose the status of Frenchman:

(1) The Frenchman naturalized abroad or who, on his request, acquires a foreign nationality through the operation of the law, after the age of twenty-one;

However, until the expiration of a period of ten years from either enrolment in the active army or entry on the conscription lists in case of exemption from active service, acquisition of foreign nationality does not involve loss of French status unless it was authorized by the French Government;

(2) The Frenchman who has repudiated French nationality in the case provided in Article 3;

(3) The Frenchman, even a minor, who, possessing a foreign nationality by the operation of the law, without any manifestation of will on his part, is authorized by the government, on his request, to preserve it. In case of minority, the request shall be acceptable only if he is capacitated or represented according to the conditions provided by Article 6, second to last paragraph;

(4) The Frenchman who, filling an office abroad in a public service, keeps it, notwithstanding an order to resign from it within a specified period which has been designated to him by the French Government.

This measure may be extended to the wife and minor children only by decision of the civil courts issued in the forms provided in Article 10;

(5) The Frenchman who, upon his request or that of his legal representatives, having acquired French nationality, may forfeit such nationality by judgment of a court.

Such forfeiture may be incurred:

A. For having performed acts contrary to the domestic and foreign safety of the French State.

B. For having engaged, to the advantage of a foreign country, in acts incompatible with the status of French citizen and contrary to the interests of France.

C. For having avoided the obligations incumbent on him because of recruiting laws.

Article 10. The action for forfeiture must be accomplished within a period of ten years from the acquisition of the status of Frenchman, which period runs only from the date of the promulgation of the present decree, if the acquisition of that status is previous to its being put into force.

For persons who acquired French nationality previous to the effective date of the present decree, forfeiture may be incurred only for acts subsequent to such effective date.

Action is brought, after the opinion of the Keeper of the Seals (is obtained), on the request of the Colonial Minister, by the Public Prosecutor before the civil court of the domicile or, in the absence thereof, of the residence of the interested party.

When his domicile and residence are unknown or are in a foreign country, action is brought before the court of the last known domicile or residence.

The procedure, the channels of appeal, and the expenses of the suit, as well as the effects of the final decision, are regulated according to the forms provided by Articles 2 to 12 inclusive of the law of June 18, 1917, with the exception of paragraph 2 of Article 11 of the said law.

Article 11. The individual who has lost his French status may recover it at any age, by decree, provided that he resides in the French colonies and that, in case of minority, he is duly represented or authorized under the conditions fixed in Article 4, paragraph 2.

In case of reinstatement, he immediately acquires all civil and political rights.

French status may be granted to the wife and major children if they so request. Minor, unmarried children of the surviving reinstated father or mother become French, unless they are affected by the provision of Article 7, paragraph 4.

Unmarried natural children become French under the conditions determined in Article 7, paragraph 3, and subject to the provisions of Article 7, paragraph 4.

Article 12. Individuals who acquire the status of Frenchmen in the cases provided for by Articles 4 and 5 or who recover it in the case provided by Article 11, may avail themselves only of the rights open to their enjoyment since that period.

Title III.—Forms to be Followed for the Acquisition and Repudiation of the Status of Frenchman in the Colonies other than Guadeloupe, Martinique and Réunion

Article 13. The foreigner who wishes to obtain naturalization in the colonies or the ex-Frenchman who requests his reinstatement in French nationality, must produce a request drawn up on stamped paper.

When the interested party is less than twenty-one years of age, his application must be *countersigned* [1] by the parent invested with the paternal author-

[1] The word *countersigned* was substituted for *accompanied* in conformity with the list of errata given on page 2314 of the *Journal officiel* of February 23, 1929, No. 46.

ity. In case of the death of his father and mother or of the material or legal impossibility of reporting their consent, the candidate must produce the opinion of his family council.

This request must be forwarded, with the supporting documents, to the mayor of the commune or to the administrator of the territory in which the applicant resides.

The interested party must attach to his application the records of his civil state and the proofs demanded of him to establish his identity, his nationality of origin, his family status, his profession and the length of his sojourn in France or in the colonies, as well as certificates with respect to his antecedents and morality in his country of origin or in any foreign country where he may have lived.

In case it should be impossible for the candidate to procure the required records of his civil state, they may be an *acte de notoriété* [1] drawn up by the Justice of the Peace or the presiding judge of the court of his residence in the form prescribed by Article 71 of the Civil Code.

Furthermore, the Governor may excuse the interested party from producing an *acte de notoriété* if some document which he has in his possession seems sufficiently convincing to establish his identity and family status.

Article 14. In the matter of naturalization or reinstatement in French nationality, the Governor, by virtue of his office, proceeds with the inquiry required by Article 6, paragraph 2 of the present decree.

This inquiry should touch both upon the morality and loyalty of the candidate and upon the advantage which the granting of the favor requested would offer from national and social points of view.

When the inquiry is completed, the Governor forwards the dossier to the Colonial Minister, attaching thereto bulletin No. 2 of the criminal records (*casier judiciaire*). He expresses a reasoned opinion on what appears to him to be the action which should be taken in the case, also mentioning the amount of the chancery fees which it would be appropriate to charge the candidate.

The decision is made by decree, on the proposal of the Colonial Minister and the Keeper of the Seals.

Article 15. Any signed declaration, either with a view to acquiring or repudiating French status, is received according to the judicial organization of the district, either by the Justice of the Peace or by the presiding judge of the court, or by the administrator of the district in which the declarant has his domicile, or in the absence thereof, his residence.

These declarations are received in duplicate, on stamped paper.

They may be made by special and attested power of attorney. A minor must be capacitated in the same forms by the legal representative, if the latter is not present at the proceeding.

[1] An *acte de notoriété* is a document intended to certify a well-known and constant fact and issued by a mayor, justice of the peace, etc.

The declarant must produce in support of the declaration, in accordance with the conditions determined in Article 13, all the proofs relative to his civil status or, if there is occasion therefor, the civil status of his children when the declaration is signed in their name.

If not registered at the Ministry of Justice, the declaration shall be considered null and void.

It must, after registration, be entered in the *Bulletin des lois* and in the *Journal officiel* of the colony. Nevertheless, the omission of this formality may not prejudice the rights of the declarant.

Registration is refused if the declarant does not fall within the conditions required by the present decree. Such refusal and the reasons therefor are made known to the declarant within a period of one year from the time of the declaration and he has the right to appeal before the civil courts, in conformity with Articles 855 *et seq.* of the Code of Civil Procedure.

In the absence of such notification and when the above-mentioned period of time has expired, the Minister of Justice must, unless he contests the declaration on account of disqualification, deliver to the declarant, upon his request, a copy of his declaration with a notation of its registration. The duly registered declaration takes effect from the date on which it was signed.

Article 16. The request of the wife of the declarant who, upon questioning in the proceedings, shall have stated her willingness to join the declaration of her husband, and to obtain naturalization or reinstatement in French nationality is attached to this declaration.

Article 17. The judge or administrator proceeds, in the case of a signed declaration for the acquisition of French status, by application of Article 4 of the present decree, to an inquiry touching on the morality and loyalty of the minor concerned, if he is more than fifteen years of age. He attaches bulletin No. 2 of his criminal record (*casier judiciaire*) to the dossier.

In the suppositious case contemplated in Article 16 above, the judge or administrator expresses an opinion on the action which should be taken in the case, attaching bulletin No. 2 of her criminal record (*casier judiciaire*) to the dossier.

Article 18. The two copies of the declaration and the supporting documents are immediately sent by the judge or administrator to the Public Prosecutor who, without delay, transmits them to the Colonial Minister, through the Governor, after having attached his opinion to that of the regional magistrate or the administrator as to the expediency of registration. The Colonial Minister sends the dossier to the Keeper of the Seals.

Article 19. One of the two copies of the declaration registered at the chancery is deposited in its archives, the other is returned to the declarant, with a notation of its registration.

Article 20. When a Frenchman marries a foreign woman in the colonies, the officer of civil status (*l'officier de l'état civil*) has the future wife transmit,

except in case of exemptions granted by the Public Prosecutor, with the documents necessary for the marriage, a certificate of law (*certificat de coutume*) showing the effects, in the eyes of her national law, of the marriage contracted with a foreigner upon the nationality of the woman.

If the interested party does not necessarily, in conformity with the law of her country, acquire the nationality of her husband and if, by application of Article 8 of the present decree, she states her intention of acquiring French nationality, she must, before the celebration of the marriage, sign a declaration to that end before the officer of civil status.

This declaration is drawn up in duplicate. One of the two copies is delivered to the interested party, the other, with a copy of the marriage certificate, is sent through the Colonial Minister to the chancery for deposit in its archives.

Article 21. In case of a marriage contracted in the colonies by a Frenchwoman with a foreigner, the officer of civil status, except in the case of exemptions granted by the Public Prosecutor, requests the future husband to produce, with the documents forming the marriage dossier, a certificate of custom attesting that the future wife is capable of acquiring or necessarily acquires the nationality of her husband through the marriage, as well as a written declaration relative to the location of the conjugal domicile after the celebration of the marriage.

Supposing that the conjugal domicile is established in France or in the colonies, and if the wife must or may acquire the nationality of the husband, according to the foreign law of the latter, the officer of civil status advises the future wife that, by application of Article 8, paragraph 2 of the present decree, she keeps her French nationality unless she expressly declares that she wishes to acquire the nationality of her husband, in conformity with the national law of the latter. If the woman shows such inclination, she must sign a declaration according to the conditions and forms provided in the preceding article.

This declaration must specify the nationality which the future wife has intended to acquire.

Transitory Provisions

Article 22. Any Frenchwoman who may have married a foreigner previous to the effective date of the present decree, may, if she has habitually resided for at least two years in the colonies or in France and in the colonies last, recover French nationality by a declaration made according to the local judicial procedure, either before the Justice of the Peace or before the presiding judge of the court, or the administrator of the district in which the declarant has her domicile or, in the absence thereof, her residence, within a year after the promulgation of the present decree.

For the duration of the marriage, this privilege may be exercised only with

the authorization of the husband and if the conjugal domicile is established on the national territory.

However, these two conditions shall not be exacted in case of the absence, disappearance, or legal incapacity of the husband, in case of judicial separation or if, the husband and wife having been separated in fact for a year, a suit for judicial separation or for divorce has already been instituted.

These declarations shall be signed in conformity with the provisions of Article 15 of the present decree.

Their registration may be refused by reason of disqualification in conformity with the provisions of Article 4, paragraph 3.

After the expiration of the above-mentioned period or in the absence of the conditions of domicile and residence given above, a woman who has lost her French status as a result of her marriage with a foreigner may be reinstated only under the terms of Article 11 of the present decree.

The foregoing provisions are also applicable to Alsatian and Lorraine women having married a foreign national previous to November 11, 1918, and who, as a result of their marriage, were not automatically reinstated in French nationality by virtue of the first paragraph of the annex to Section V, Part III, of the Treaty of Versailles.

Article 23. In case of a signed declaration to recover the status of Frenchwoman by virtue of Article 22 of the present decree, by a woman who has lost that status as the result of her marriage, the judge or administrator must require of the declarant, in addition to the proofs relative to her civil status and origin, except in the case of exemption granted by the Public Prosecutor, a certificate of law showing that she possesses the nationality of her husband, acquired as a result of the marriage. A woman from Alsace or Lorraine who invokes the benefit of the same article must, under the same conditions, prove her origin or her present status.

While the marriage is in effect, the interested party must be assisted by her husband who, if he is not present at the proceedings, must give her special authorization, in an attested document.

In case of the absence, or legal incapacity of the husband, or judicial separation, the interested party, who may sign the declaration without any authorization, must produce the instrument establishing her (legal) capacity.

If the husband has disappeared, the fact of the disappearance must be established by the inquiry which the judge or administrator shall have undertaken in conformity with the provisions of Article 17 of the present decree, on the morality and loyalty of the declarant.

If, the husband and wife having been separated in fact for more than a year, a suit for judicial separation or for divorce has already been instituted, the situation must be proved both by the inquiry and by an attestation of an attorney retained in the case, with respect to the status of the proceedings in course.

Bulletin No. 2 of the criminal record (*casier judiciaire*) of the declaration [declarant?] is attached to the dossier thereof before its transmission to the prosecutor's office.

Article 24. Military service abroad, even before the promulgation of the present decree, may not involve forfeiture of the status of Frenchman, unless such forfeiture was evidenced by a court decision which has become final.

Article 25. Foreigners naturalized previous to the promulgation of the present decree do not incur the ineligibility contemplated in Article 6 except with respect to legislative assemblies.

Title IV.—General Provisions

Article 26. The provisions of the present decree are not applicable to natives of the French possessions or persons of assimilated status, except, however, persons of mixed blood whose status is determined in each colony by special regulations.

Article 27. The decree of February 7, 1897, regulating the conditions for the application of the law of June 26, 1889, in the colonies other than Guadeloupe, Martinique and Réunion, is abrogated.

There are likewise abrogated the first articles of the decrees of March 28, 1918, and April 24, 1919, *and December 15, 1922* [1] relative to the nationality of natural children born in the French colonies of Indo-China, on the territory of the French establishments of Oceania, *in French West Africa, in New Caledonia and in the French establishments in India*.[1]

Article 28. The Colonial Minister and the Keeper of the Seals, the Minister of Justice, are charged, each with what concerns him, with the execution of the present decree, which shall be published in the *Journal officiel* of the French Republic, in the *Journaux officiels* of the colonies, and inserted in the *Bulletin des lois* as well as in the *Bulletin officiel* of the colonial ministry.

Done at Paris, November 5, 1928.

[1] The italicized words were added as explained in the footnote on page 263.

ALGERIA

SENATUS-CONSULTUM OF JULY 14, 1865[1]

CONCERNING THE STATUS OF PERSONS AND NATURALIZATION IN ALGERIA

[TRANSLATION]

Article 1. The Mussulman native is French; nevertheless he will continue to be ruled by Mussulman law.

He can be admitted into the service of the army or the navy. He can hold civil service positions in Algeria. He can upon his application, be granted the rights of French citizenship; in this case he will be ruled by the civil and political laws of France.

Article 2. (Abrogated by Article 5 of the decree of October 24, 1870, post.)

Article 3. The foreigner who proves three years residence in Algeria can be admitted to all the rights of a French citizen.

Article 4. (Abrogated by Article 5 of the decree of October 24, 1870, post.)

Article 5. (Abrogated by Article 5 of the decree of October 24, 1870, post.)

DECREE OF OCTOBER 24, 1870[2]

CONCERNING NATURALIZATION OF NATIVE MUSSULMANS AND FOREIGNERS RESIDING IN ALGERIA

[TRANSLATION]

Article 1. French citizenship, claimed according to Articles 1 and 3 of the *senatus-consultum* of July 14, 1865, may not be obtained except after the completion of the twenty-first year. Native Mussulmans and foreigners residing in Algeria, who apply for citizenship, must prove this by a birth certificate; lacking that, by an affidavit executed on the attestation of four witnesses, before the Justice of the Peace or the Cadi of the place of residence, if a native is concerned and before a Justice of the Peace, if a foreigner.

Article 2. Article 10, Section 1, of Title III; Article 11 and Article 14, Section 2, of Title IV, of the decree of April 21, 1866, regulating public administration are modified as follows.

Article 3. The Civil Governor General decides on petitions of naturalization on the advice of the advisory committee.

Article 4. There shall be executed for each naturalization an official record in the form of a judicial one (*casiers judiciaires*). This record will be

[1] Extract of the Senate Record. Text from J. P. Niboyet and P. Goulé, *Recueil de textes usuels de droit international* (Paris, 1929) 76.

[2] Text, ibid.

deposited at the prefecture of the department where the naturalized native or foreigner resides, even if the naturalized individual resides in territory called *military territory*.

Article 5. Articles 2, 4 and 5 of the *senatus-consultum* of July 14, 1865, Articles 13, Title IV, and 19, Title VI, entitled General Provisions, of the decree of April 21, 1866, are abrogated. The other provisions of the said *senatus-consultum* and decree are maintained.

DECREE OF OCTOBER 24, 1870[1]

WHICH DECLARES THE NATIVE ISRAELITES OF ALGERIA FRENCH CITIZENS

[TRANSLATION]

The native Israelites of the departments of Algeria are declared French citizens; consequently, their real and personal status will, from the promulgation of this decree, be governed by French law, all rights acquired until that time remaining inviolable. All legislative provisions, every *senatus-consultum*, decree, regulation or ordinance to the contrary are abolished.

LAW OF MARCH 25, 1915[1]

RELATING TO THE ACQUISITION OF FRENCH CITIZENSHIP BY FRENCH SUBJECTS NOT NATIVES OF ALGERIA AND FRENCH PROTÉGÉS NOT NATIVE OF TUNIS OR MOROCCO, WHO RESIDE IN FRANCE, ALGERIA, OR A COLONY OTHER THAN THEIR COUNTRY OF ORIGIN

[TRANSLATION]

Article 1. French subjects or protégés not natives of Algeria, Tunis or Morocco who have fixed their residence in France, Algeria, in a country under the protection of the republic or in a colony other than the country of their origin may, after their twenty-first year, acquire French citizenship if they have fulfilled one of the following conditions:

(1) Have received the cross of the Legion of Honor or a diploma of university or professional studies, the list of which will be decided by decree;
(2) Have rendered important services to French colonization or interests;
(3) Have served in the French army and have acquired the rank of commissioned or non-commissioned officer or the military medal;
(4) Have married a French woman and have one year of domicile;
(5) Have resided more than ten years in the said countries and have acquired a sufficient knowledge of the French language.

Article 2. The privilege of admission to French citizenship granted to a native in one of the cases enumerated above is extended to his wife, if she has

[1] Text from J. P. Niboyet and P. Goulé, *Recueil de textes usuels de droit international*, 77.

joined in the petition of her husband. The minor children of the native who becomes a citizen also become French citizens, unless the decree which grants this favor to the father, has formulated a reservation in their respect. Children of age may, if they apply, become French citizens, without any other condition, by the decree which confers this quality on the father.

Article 3. It is acted upon on the petition of those interested, after inquiry, by decree rendered on motion of the Keeper of the Seals, Minister of Justice, the Minister of Colonies being consulted.

Article 4. No stamp fee is charged for the admission of natives to French citizenship.

LAW OF FEBRUARY 4, 1919[1]

CONCERNING THE ACQUISITION BY ALGERIAN NATIVES OF FRENCH CITIZENSHIP

[TRANSLATION]

TITLE I

Article 1. A native of Algeria can acquire French citizenship by virtue of the provisions of the *senatus-consultum* of July 14, 1865, and of the present law.

Article 2. Any Algerian native can obtain, at his request, French citizenship, if he fulfills the following conditions:

(1) Be twenty-five years of age;

(2) Be single or married to but one wife;

(3) Never have been condemned for crime or misdemeanor, carrying with it loss of political rights, and never have been subjected to disciplinary punishment for either acts hostile to French sovereignty or for political or religious preaching or intriguing of a nature to disturb the general security;

(4) Have had two years' consecutive residence in the same commune of France or Algeria or in an administrative district corresponding to a French colony or protectorate; and, in addition, if he can fulfill one of the special conditions which follow:

(a) Have served in the army or navy and be able to prove his good conduct by the testimonial of the military authorities;
(b) Know how to read and write French;
(c) Be the owner or the tenant of a rural property or the owner of a city property or be registered for at least one year in the same commune on the list of payers of license-taxes, or other taxes of that nature, for the practice of a fixed profession;
(d) Be the holder of a public position or retirement pension from public service;
(e) Have been elected to public office;

[1] Text from enclosure with Despatch of December 6, 1924, from the American Consulate at Algiers to the Secretary of State.

(f) Be the holder of a French decoration or honorary distinction accorded by the French Government;
(g) Be born of a native naturalized as a French citizen, when the applicant was twenty-one years of age.

The wife of a native naturalized as a French citizen after his marriage can request that she be given the same status as her husband.

Article 3. An Algerian Mussulman native who desires to benefit by the present law should apply to the Justice of the Peace, or the authority who replaces him, filling out the form in duplicate and attaching the following papers:

(1) His birth certificate or, lacking that, an affidavit executed on the attestation of four witnesses before the Justice of the Peace or the Cadi of his place of residence;
(2) Papers proving that the conditions of Article 2 have been fulfilled;
(3) A memorandum of his judicial record (*casier judiciaire*);
(4) Birth certificate of his minor children or affidavit to take their place.

The clerk of the Justice of the Peace court gives him a receipt for the application and transmits a duplicate thereof to the Governor General of Algeria.

Article 4. During the month following the registering of the application at the office of the clerk of the Justice of the Peace court, the Justice of the Peace summons the applicant, finds out if he fulfills the necessary conditions, and makes known the results of his investigation to the interested person, to the mayor or administrator of the commune of his residence, to the Public Prosecutor, and to the Governor General, who, in fifteen days, acknowledges receipt and presents such comments as he judges useful.

The complete dossier is then transmitted without delay to the office of the clerk of the district court and notice thereof is given to the Public Prosecutor and to the Governor General.

Article 5. If the applicant is domiciled in France or in a French colony or protectorate, he will send his application to the Justice of the Peace in his commune of origin or to the authority who replaces him. The latter can then issue a rogatory commission to any Justice of the Peace, or the French authority who replaces him, to proceed to the investigation.

Article 6. If, during a period of two months after the date of filing the application at the office of the clerk of the court, no opposition appears on the part of the Governor General or the Public Prosecutor, in conformity with either Article 7 or Article 8 of the present law, the court (of the first instance), at its first public sitting, will declare that the applicant fulfills the conditions fixed by the law and is granted French citizenship. Mention of this declaration will be made on the margin of the applicant's birth certificate and of his marriage certificate.

If the applicant is not entered on the registers of vital statistics, a similar mention will be made on the affidavit executed in conformity with Article 3. This affidavit, supplementing the birth or marriage certificate, is to be filed in the office of the clerk of the court (of first instance) and at that of the secretary of the mayor.

Article 7. In case of the opposition of either the Governor General or the Public Prosecutor, notification of which has been made by letter to the clerk of the court, the tribunal will seek to find out if the opposition is well founded, either on the lack of one of the conditions provided for in Article 2 or the existence of a conviction for one of the acts enumerated in that article. In a public hearing, after a period of one month, he will accept the opposition or will cause it to be withdrawn; in the latter case, he will declare that the applicant is accepted as a French citizen.

Article 8. During the same period of two months, fixed in Article 6, the Governor General can, by an order, passed in the Government Council and approved by the Minister of the Interior, oppose as unworthy the declaration of the court, provided for in the same article. An application refused under these conditions cannot be renewed before five years have passed.

Article 9. Means of appeal are open against the decision of the court (of first instance) either to the Public Prosecutor or to the interested person. This power will be suspensive, and it will be introduced and judged according to the forms and conditions provided for in the decree of February 2, 1852 and the law of February 6, 1914. The notice of means of appeal will be given to either the Public Prosecutor or the interested person.

Article 10. The judicial acts may dispense with stamp taxes and be registered without cost. The extracts of vital statistics will likewise be delivered gratuitously on unstamped paper either to the interested person or to the Justice of the Peace; they should be headed by a statement of their particular purpose and they can serve for no other.

Article 11. The effect of the decisions rendered in execution of Article 6, 7 and 9 above are those which the *senatus-consultum* of 1865 was to bring about in the granting of French citizenship.

Title II

Public Status of Algerian Mussulman Natives Who Are Not French Citizens

Article 12. The Algerian Mussulman natives who have not applied for French citizenship are represented in all the deliberative bodies in Algeria (Financial Delegations, Superior Council of the Government, General Councils, Municipal Councils and Commissions, and the *djemâas* [councils of the native tribes]) by elected members having the same titles and the same rights as the French members, but under the reservations of the provisions of Article 11 of the organic law of August 2, 1875.

In the assemblies where sit at the same time native members named by the administration, these last cannot exceed in number the elected members.

Native municipal councilmen will, even if they are not French citizens, in the election of mayors and their deputies participate, as other members thereof.

Article 13. It is ordered by special decrees concerning the composition of native elective officers and concerning the method of electing native representatives in each assembly.

In every case, the following positions are incompatible with that of municipal councilman, general councilman, and financial delegate: caid, agha, bachagha, secretary of a "mixed" commune or subprefecture, constable, forest ranger, policeman, "trooper" of a "mixed" commune. Temporarily, members of the bodies designated above, who have been chosen by the government, will keep their present positions, under the conditions they were conferred; elected members, holding other offices now can, during their lifetime, continue to exercise them along with their elective duties.

Article 14. Mussulman natives not French citizens are admissible under the same conditions of ability as French citizens to public employments. Nevertheless, a decree will determine the list of offices of authority which they will not be allowed to hold unless they are French citizens.

Those who are on the electoral lists cannot be condemned, as far as minor offenses are concerned, otherwise than by the same facts and the same courts as French citizens, except under the special measures passed for the protection and conservation of the forests by the law of February 21, 1903, and the provisions of the law of July 14, 1914, relative to special probation.

Article 15. In the *douars* (native tribal units) constituted in execution of the *senatus-consultum* of April 22, 1863, and in every group of native population regularly provided with a *djemâa* (native deliberative body), the prestations in money or in kind furnished by the inhabitants of the *douar* for the local roads, deduction being made of the part collected for the departments, and the revenue from the property of the *douar* held in common, are to be applied exclusively to the work of upkeeping the springs and wells or other public works of interest to the *douar*.

Article 16. The provisions of the present law are applicable to all the civil territory of Algeria.

The present law deliberated in and adopted by the Senate and the Chamber of Deputies, is to be carried out as a state law.

FRENCH INDO-CHINA (COCHIN-CHINA)

EDITORS' NOTE. Cochin-China is a part of French territory and the nationality laws are therefore applied in exactly the same manner as in France, except with regard to Asiatics for whom special laws exist.

DECREE OF MAY 26, 1913 [1]

AS MODIFIED BY THE LAW OF SEPTEMBER 4, 1919, ESTABLISHING THE CONDITIONS NECESSARY TO OBTAIN THE QUALITY OF FRENCH CITIZENSHIP

[TRANSLATION]

Article 1. Those able to obtain the quality of French citizenship after reaching the age of twenty-one and justifying their ability to write and read the French language are the following:

(1) The natives of Indo-China, French subjects or protégés, who for ten years, with merit and devotion, have served France either in the armies of land or sea, or in the functions of a civil employee paid from the funds of the French State, from the budgets of Indo-China, or the budget of a French colony or protectorate;

(2) Those who, at the same time, have rendered signal service to French interests through commerce, industry, or agriculture in Indo-China, France, or another French colony or protectorate;

(3) The French subjects or protégés decorated with the Legion of Honor, or those that have rendered exceptional service to France. In such cases, they are exempted from the obligation of knowing the French language;

(4) Those who, having obtained a brevet for primary, superior, or professional instruction or a diploma of secondary instruction, have rendered for five years important services to French interests;

(5) Those who have obtained, either the diploma of doctor of letters, science, or law, of first class druggist, or the title of hospital interne obtained after a competitive examination in a city where there exists a faculty of medicine; or a diploma delivered by the *Ecole centrale des Arts et Manufactures*, or by the *Ecole des Ponts et Chaussées*, Superior School of Mines, maritime engineer; or a diploma from the National School of Mines at Saint-Etienne, *Institut national agronomique*, *Ecole des Haras du Pin*, the national schools of agriculture at Grignon, Montpellier et Rennes; the national schools of water and forests, *Ecole des hautes Études commerciales*, and the superior commercial schools recognized by the state; or a prize or medal from the state in an annual competition of the *Ecole nationale des Beaux-Arts*, of the

[1] Text from enclosure with Despatch No. 387, November 27, 1924, from the American Consul at Saigon to the Secretary of State.

Conservatoire de Musique, and of the *Ecole nationale des Arts décoratifs*, and which justify the schooling necessary for the winning of diplomas, prizes or medals from the faculties of these schools.

(6) Those who have been patronized, adopted, or brought up, during the five years preceding their majority, by French families or protective societies of public utility, have obtained a brevet in primary, superior, or professional instruction or a diploma in secondary instruction;

(7) Those who marry a French woman according to the French Civil Code and have a child as a result of the union;

(8) The French subjects or protégés who have served under the French flag outside of Indo-China in the army zone for at least two years, or without condition of time if they have been made officers or non-commissioned officers on the front, or have received the *Médaille militaire* or the *Croix de Guerre* (Decree of September 4, 1919).

Article 2. A demand formulated with the view of obtaining either naturalization, if it comes from a French protégé, or the possibility of enjoying the rights of a French citizen, if it emanates from a French native subject, to which must be added the birth certificate and a copy of the *casier judiciare*, is presented to the mayor or the Chief Administrator of the province in which the interested party resides. The mayor or the chief of the province makes a formal inquiry concerning the antecedents, the financial situation, and the morality of the candidate and upon his knowledge of the French language; the results are inscribed on a *procès-verbal;* the candidate must have, in his demand, chosen a patronymic name.

Article 3. If the candidate is serving under the flag, the request is addressed to the Chief of the corps who transmits it to the superior commanding General of the troops, who is charged with the investigation and must render a decision.

Article 4. The report concerning every demand is communicated to the Governor of Cochin-China or to the Resident Superiors (of the protectorates) who give their opinion in private council.

The request is then forwarded to the Governor General who addresses it, after making his own endorsement, to the Minister of the Colonies. All requests for naturalization should be addressed to the Minister of Colonies within six months from the date of presentation. The final decision is rendered in a joint decree of the Minister of the Colonies and the Guardian of the Seals, Minister of Justice. (Decree of September 4, 1919.)

Article 5. The benefits of enjoying the rights of a French citizen accorded to a native in one of the cases mentioned in Article 1, are extended to his wife if she associates herself with the demand of her husband.

The minor children of a native who has obtained this quality also become French citizens unless there is a special reserve *re* this eventuality made in the decree. The major children may, if they ask it, obtain the quality of

French citizen by no other condition, by the decree which confers this quality upon the father. (Decree of September 4, 1919.)

Article 6. However, contrary to the disposition of the preceding article, the wife and children of a native naturalized as a French citizen or admitted to enjoy the rights of French citizenship, are definitely placed under the jurisdiction of the civil and political laws applicable to the French, providing the native is the son of a native who had obtained French citizenship.

Article 7. The documents of civil status which must be produced in accordance with the present decree must be accompanied with a translation if they are in a foreign language.

If the candidates are not able to produce the documents mentioned in the preceding paragraph, these documents may be supplanted by an act of a notary public as prescribed in Article 71 of the Civil Code.

Article 8. No tax for a seal shall be charged for the naturalization or admission to the rights of French citizenship of the natives of Indo-China.

Circular of the Minister of Colonies of June 8, 1914, Concerning the Decree of May 26, 1913, re the French Naturalization of Indo-China Natives

The attention of the Department has been called to the interpretation that has been given to Article 5, first paragraph, of the decree of May 26, 1913, which determined the conditions by which the natives of Indo-China, French subjects or protégés, may obtain the quality of French citizenship.

This text states that French nationalization or the admission to the rights of French citizenship is an individual benefit which does not extend as of right to the wife or descendants of the interested party.

The Guardian of the Seals, Minister of Justice, consulted concerning this subject, advised me that according to his idea:

(The article in question occupies itself only with the situation of a wife married or children born before the favor of naturalization was granted to the chief of the family.) The wife may obtain French citizenship by formulating a special demand joined to that of her husband; as for the children, to become French they must solicit their naturalization upon obtaining their majority, and, if satisfaction is accorded their request, French nationality is granted *ipso facto* to their wife and their minor children according to the terms of Article 6.

Furthermore, in relation to a woman married by a native after his naturalization, and to the children born after acquiring citizenship, M. the Guardian of the Seals believes that in the absence of regulations to the contrary, this woman becomes French by the effect of her marriage and the children are born French inasmuch as, by the fact of his naturalization, their husband or father is subject to the civil and political laws applicable to the French

(Article 5 of the law of 26 May, 1913, paragraph one, second phrase; Article 1 of the decree of February 7, 1897; Decree of March 6, 1914; Article 8, paragraphs 1 and 12 of the Civil Code).

DECREE OF MARCH 28, 1918[1]

MODIFYING FOR INDO-CHINA ARTICLES 8 AND 339 OF THE CIVIL CODE

[TRANSLATION]

Article 1.[2] The paragraph which bears number 1 of Article 8 of the Civil Code and declared applicable in Indo-China by the decrees of February 7, 1897 and March 6, 1914 is completed as follows for Indo-China:

> However, when the father is a French citizen, the child whose filiation toward him will have been established voluntarily or judicially, after the recognition made by the native mother or the proof of the filiation toward the latter, follows the nationality of his father.

Article 2. Article 339 of the Civil Code applicable to Indo-China is completed, for that country, by the following paragraph:

> The public minister may, officially, sue for the annulment of all recognitions by an European or assimilated person, of a native natural child or of an assimilated Asiatic child, when the fact of paternity or maternity, which serves as the basis of the recognition, can be shown to be false.

DECREE OF NOVEMBER 4, 1928[3]

STATUS OF PERSONS OF MIXED BLOOD BORN IN INDO-CHINA OF LEGALLY UNKNOWN PARENTS

[TRANSLATION]

The President of the French Republic,

On the report of the Colonial Minister[4] and the Keeper of the Seals, Minister of Justice,

[1] Text from J. P. Niboyet and P. Goulé, *Recueil de textes usuels de droit international*, 86.

[2] Abrogated by Article 27 of the decree of November 5, 1928, regarding French Colonies other than Guadeloupe, Martinique and Réunion, ante, p. 268.

[3] Text from *Journal officiel*, November 8, 1928, p. 11873.

[4] Translation of Report to the President of the French Republic, of November 4, 1928 (*Journal officiel*, November 8, 1928, p. 11872):

MR. PRESIDENT: August 22, 1926, the Governor General of Indo-China informed my department of a proposed decree tending to facilitate access to the status of French citizen to French-Indo-Chinese persons of mixed blood of European origin and born of legally unknown parents.

The text thereof was transmitted for the opinion of the council of legislation of the superior council of the colonies. But that assembly, after discussion, adopted another draft which seemed to it to be preferable.

The new draft was amended, discussed, and adopted by the Council of State in its session of August 2, 1928. It permits any individual born in Indo-China of parents one of whom, legally unknown, is presumed to be of the French race, to avail himself of the status of French citizenship under certain conditions. A judicial action must be instituted for that purpose before the French jurisdiction by the interested party himself if he is a major or, if he

In view of Article 18 of the *senatus-consultum* of May 3, 1854;

The Council of State being agreed:

Decrees:

Article 1. Any individual, born upon the territory of Indo-China of parents one of whom, legally unknown, is presumed to be of the French race, may, in conformity with the provisions of the present decree, obtain recognition of the status of Frenchman.

Article 2. The presumption that the father or mother who, legally unknown, is of French origin and race may be established by any means.

The main factors to be considered are the name which the child bears, the fact that he has received French training, education and culture, and his position in society.

Article 3. Only French jurisdictions are competent to hear actions instituted with a view to taking advantage of the above provisions.

Article 4. Action towards recognition of the status of French citizen shall be instituted by the interested party himself if he is a major or, if he is still a minor, by either the Public Prosecutor's office or by a child protection society accepted by the administration.

No exception may be opposed to this action on account of judicial decisions rendered prior to the publication of the present decree.

Article 5. The judgment recognizing the status of French citizen to the interested party shall be entered on the French civil status registers, within a period of one month from the date on which it became final, and shall take the place of a birth certificate.

In case a birth certificate had been previously drawn up, mention of the said judgment shall be made on the margin of such certificate.

Article 6. The judgment recognizing the status of French citizen to a minor child shall at the same time designate a guardian for him.

The duties of guardianship shall be entrusted either to a Frenchman, of either sex, or to a child protection society, accepted by the administration, or to a member of one of such societies.

Property of the guardian or guardian society shall not be affected by the legal mortgage instituted by Article 2121 of the Civil Code, the management of the ward's property shall, however, be guaranteed by the society concerned.

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is a minor, by either the Public Prosecutor's office or by a child protection society accepted by the administration. The presumption that the father or mother who has remained legally unknown is of French origin may be proved by any means, particularly by the name of the child, the fact that he has received French training, education and culture, his position in society. The judgment acknowledging a minor child to have the status of a French citizen shall also designate a guardian for him at the same time. This judgment must in every case be entered on the registers of French civil status and shall take the place of a birth certificate.

Such are the main provisions of the proposed decree which, in agreement with the Keeper of the Seals, Minister of Justice, I have the honor to submit for your high approval.

I beg you to accept, Mr. President, the homage of my profound respect.

LEON PERRIER, *Colonial Minister.*

Article 7. Voluntary recognition with respect to an individual previously declared a French citizen by application of the above provisions shall have no legal effect as to nationality, and may not be entered on the civil status registers, if it has not been ratified by the court.

Voluntary recognition from a foreign ascendant, if it has been regularly ratified, shall be capable, if occasion should arise, of making the minor thus recognized lose the status of French citizen which he may possess by virtue of the present decree.

In case the recognition comes from a native mother and concerns a minor child, the guardian designated for that child in execution of the provisions of Article 6 above shall continue his functions unless the court decides otherwise.

Article 8. The Colonial Minister and the Keeper of the Seals, the Minister of Justice, are charged, each with what concerns him, with the execution of the present decree, which shall be published in the *Journal officiel* of the French Republic and in the *Journal officiel* of Indo-China, and inserted in the *Bulletin officiel* of the colonial ministry.

Done at Paris, November 4, 1928.

MADAGASCAR

DECREE OF MARCH 3, 1909[1]

FIXING THE CONDITIONS OF ACCESSION OF THE NATIVES OF MADAGASCAR TO THE RIGHTS OF FRENCH CITIZENSHIP

[TRANSLATION]

The President of the French Republic,

Considering Article 18 of the *senatus-consultum* of May 3, 1854;

Considering the law of August 6, 1896, declaring the Island of Madagascar and the islands depending therefrom to be French colonies;

Considering Article 17, of the decree of February 7, 1897;

Considering the decrees of June 9 and November 24, 1898, regulating the administration of justice in Madagascar;

Upon the report of the Minister of Colonies and of the Keeper of Seals, Minister of Justice and Public Worship,

Decrees:

Article 1. The native born in Madagascar or in its dependencies, prior to the annexation, or born since that time of parents established in Madagascar or in its dependencies, at the time when it took place, is a French subject; he retains, however, the native status and continues to be governed by the Malagasy laws and customs, under the reserve and save the exceptions provided for by the legislation in force. Upon his application, he may, from the age of twenty-one years, be designated to enjoy the rights of a French citizen.

In this case, he and his wife and minor children, are governed by the civil and political laws applicable to French citizens in the colony.

Article 2. In this respect, he must present himself to the Administrator of the province where he resides, in order to formulate his application and to declare that he intends to be governed by the civil and political laws of France; he must give evidence of his knowledge of the French language. An official report of the said application and declaration is drawn up by the Administrator.

Natives decorated with the Legion of Honor or military medal, are exempted from the obligation of giving evidence of their knowledge of the French language.

Article 3. The Administrator proceeds *ex officio* with an inquiry concerning the antecedents and morality of the applicant. He transmits to the Governor General the brief of the inquiry, with the official report and the

[1] Text from enclosure with despatch of July 25, 1925, from the American Consul at Tananarive to the Secretary of State.

documents in support of same, the whole being accompanied by his opinion and the grounds upon which based.

Article 4. The Governor General, in the Council of Administration, gives his opinion, and the grounds therefor, on the application, and transmits it with the brief to the Minister of Colonies. The President of the republic decides upon the joint proposition of the Minister of Colonies and the Keeper of Seals.

Article 5. If the applicant is in the army, the official report provided for in Article 2 is drawn up by the Chief of the Regiment. The latter transmits the brief to the General, Commandant Superior, who gives his opinion and then forwards same to the Governor General for further action.

Article 6. No seal fee shall be collected for the accession of Malagasy natives to the rights of French citizenship.

Article 7. The Minister of Colonies and the Keeper of Seals, Minister of Justice and Public Worship, are charged, each, as far as he is concerned, with the execution of the present decree, which shall be published in the Official Journals of the Metropolis and of the Colony of Madagascar and inserted in the Bulletin of Laws and in the Official Bulletin of the Ministry of Colonies.

DECREE OF NOVEMBER 25, 1913[1]

DETERMINING THE CONDITIONS OF ACCESSION TO A FOREIGN NATIONALITY BY FRENCH SUBJECTS OR PROTÉGÉS, NATIVES OF POSSESSIONS OTHER THAN ALGERIA, MOROCCO AND TUNIS

[TRANSLATION]

The President of the French Republic,

Upon the report of the Minister of Colonies and of the Keeper of Seals, Minister of Justice;

Considering Article 17 of the decree of February 7, 1897, determining the conditions under which the provisions of the law of June 26, 1889, concerning nationality, are applicable in colonies other than Guadeloupe, Martinique and Reunion.

Considering Article 18 of the *senatus-consultum* of May 3, 1854,

Decrees:

Article 1. In French possessions other than Algeria, Morocco and Tunis, the natives, French subjects or protégés, cannot lose that quality by the acquisition of a foreign nationality except with the authorization of the French Government.

Any naturalization obtained without this authorization is null and without effect.

Article 2. This authorization is granted by decree issued upon the proposition of the Minister of Colonies and of the Keeper of Seals, Minister of

[1] Text from enclosure with despatch of July 25, 1925, from the American Consul at Tananarive to the Secretary of State.

Justice, after advice of the Governor General or the Governor of the colony from which the native originates.

Article 3. The Minister of Colonies and the Keeper of Seals, Minister of Justice, are charged, each as far as he is concerned, with the execution of the present decree, which will be published in the Official Journal of the French Republic and inserted in the Bulletin of Laws and in the Official Bulletin of the Ministry of Colonies.

DECREE OF NOVEMBER 7, 1916[1]

RELATIVE TO THE ACKNOWLEDGMENT OF NATURAL HALF-BREED CHILDREN IN MADAGASCAR AND DEPENDENCIES

[TRANSLATION]

The President of the French Republic,

Upon the report of the Minister of Colonies and of the Keeper of Seals, Minister of Justice;

Considering Article 18 of the *senatus-consultum* of May 3, 1854;

Considering the law of August 6, 1896, declaring as French colony the Island of Madagascar and the islands depending from it;

Considering the law of July 25, 1912, declaring as French colonies the Islands of Anjouan, Mohilla and the Great Comoro, and annexing these possessions, as well as Mayotta, to the Government General of Madagascar;

Considering the decree of February 23, 1914, providing for regulations of public administration for the execution of the law of July 25, 1912;

Considering the decrees of June 9, 1896, and November 24, 1898, on justice in Madagascar;

Considering the decrees of November 5, 1904, and October 22, 1906, on justice in Mayotta and dependencies;

Considering the decree of February 7, 1897, applying to colonies other than Guadeloupe, Martinique and Réunion, Articles 7, 8, 9, 10, 12, 17, 18, 19, 20 and 21 of the Civil Code, and notably Article 17 of this decree, worded thus: "Article 17. There is no change in the status of natives in French colonies."

Considering the decree of March 3, 1909, determining the conditions of accession of natives of Madagascar to the rights of French citizen;

Considering the decree of November 25, 1913, determining the conditions of accession to a foreign nationality of natives, French subjects or protégés, originating in French possessions other than Algeria, Morocco and Tunis,

Decrees:

Article 1. An infant, French subject as born, out of marriage, from a native Malagasy mother and being in this way of the native Malagasy status,

[1] Text from enclosure with despatch of July 25, 1925, from the American Consul at Tananarive to the Secretary of State.

may, excepting the prohibition named in Article 335 of the Civil Code, be acknowledged by his father enjoying the civil rights of Frenchmen and the political rights of French citizens under the forms and conditions prescribed in the following articles.

The quality of native Malagasy mother applies without distinction to any native woman originated in the Island of Madagascar or in its present dependencies, without any exception.

Article 2. The acknowledgment takes place by an authentic act made before the civil status officer of a commune or of the chief town of a province or autonomous district.

The author of the acknowledgment must appear personally for the said act, except that he resides out of the colony or justifies an absolute hinderance to be present, in which cases the acknowledgment can be made by a proxy holding a special and authentic procuration.

Article 3. The civil status officer who has received the act of acknowledgment is required, within a delay of ten days counting from that of its reception, to transmit to the Procuror of the republic or to the officer of the Prosecuting Attorney of the judicial circumscription, a copy certified by him to conform to the said act. Mention of the transmission and date should be made in the margin of the act.

Article 4. As soon as this act is received, the Procuror of the republic or the Prosecuting Attorney, acting officially in action of the first instance, gathers all information with a view to ascertaining notably the sincerity of the acknowledgment and to determine what interest might result therefrom for the public order and for the child. He submits to the court or to the Justice of Peace at large the act of acknowledgment and the inquiry made by him. He gives, in writing, his conclusions calling for either the homologation or the refusal of homologation of the act of acknowledgment.

Article 5. The Court of First Instance or the Justice of Peace at large hears, in the council chamber, in person—excepting the case where the acknowledgment has taken place by proxy or in the case of absolute hinderance made known in the decision—on the day fixed by ordinance of the President, the author of the acknowledgment. It must also hear in person the mother of the child, unless absolute hinderance is made known as indicated above. It proceeds with the hearing of all other persons, notably the child, if it deems it necessary. It orders all forms of inquiry that it deems necessary with a view to deciding in thorough knowledge of the case the homologation or the refusal of homologation. It pronounces, in public audience, by a grounded decision, the homologation or the refusal of homologation of the act of acknowledgment. The author of the act of acknowledgment, or his proxy, must be informed of the date on which this pronouncement should take place.

Article 6. As soon as the following mentioned delay for appeal expires

the decision of homologation or of refusal of homologation is notified by the Prosecuting Attorney to the civil status officer who received the act of acknowledgment. This is mentioned on the said act and the decision rendered is reproduced *in extenso* in the Register of the Civil Status on the day of its receipt.

Article 7. The Prosecuting Attorney may, in all cases, appeal to the Court of Appeal from the decision rendered by the court. The delay for appeal is ten days counting from that of the pronouncement of the judgment. The appeal is made by declaration in the office of the clerk of court. The same right of appeal is accorded under the same conditions of delay and form to the author of the acknowledgment. Appeal cannot be made by proxy except in the cases specified in Articles 2 and 5.

Article 8. The appeal is examined by the Court of Appeal, in council chamber, according to documents and upon the conclusions of the prosecuting attorney. The Court of Appeal may, however, hear all parties interested or all those whom it judges useful; it might also order all steps of inquiry which it judges necessary. The grounded decision is rendered in public audience. It is immediately notified to the officer of the civil status by the Prosecuting Attorney for the same purposes as those indicated in Article 6.

Article 9. Decisions rendered in this matter are not susceptible of recourse to the Supreme Court.

Article 10. The act of acknowledgment, duly homologated, establishes the filiation of the child toward his French citizen father, with all of the effects and all of the consequences which the Civil Code attaches to natural filiation. It further entrains, for the acknowledged child, the accession in full right to the status of French citizen without, however, any retroactive effect for this act. If he is married and if he has children, his wife and his minor children are also governed by the same laws.

Article 11. The act of acknowledgment submitted in accordance with the procedure fixed by the preceding articles which is not homologated is a nullity and should be considered as having never existed.

Article 12. A foreigner is permitted in Madagascar to acknowledge a French subject child, as having been born out of wedlock of a Malagasy native and having, as such, the status of a Malagasy native, in the forms, conditions and under the reserves cited in the present decree, under the conditions, however, that the national law of the father permits the acknowledgment and that the accession of the child to the status and to the foreign nationality has been authorized in the manner provided for by the decree of November 25, 1913.

Article 13. The paternal authority over a child born of a native Malagasy mother and legally acknowledged, as it is said in the present decree, by his father, is exercised by this latter; in case of the father's death, the mother is

invested with it in full right, the whole being under the reserves indicated hereafter, with respect to the attributions of the exercised authority.

Articles 384 and 389 of the Civil Code, completed by the law of July 2, 1907, and relative to the legal enjoyment and to the legal administration of the property of the acknowledged minor child, are applicable in the matter.

When the mother is invested with the paternal authority, either at her demand or at the request of the Prosecuting Attorney, notwithstanding the cases of forfeiture provided for by law, it may be decided by the court invested with the functions of family council by virtue of paragraph 4 of Article 389 of the Civil Code, that the exercise of all or part of this authority will be delegated to an establishment or to a private person.

Article 14. The guardianship of a child, born of a native Malagasy mother and, as indicated in the present decree, legally acknowledged by his father, is invested in full right in the latter. In case of the father's death, and through failure on his part to designate a testamentary guardian, the guardianship may be attributed to the mother or to a private person, by the civil Court of First Instance of the locality where the guardianship was opened and acting as council of family.

The guardianship so devolved operates under the conditions fixed by the law of July 2, 1907, relative to protection and guardianship of natural children.

Apart from the cases of exclusion from guardianship edicted by general provisions, the withdrawal, even partial, of the exercise of the paternal authority, provided for in the last paragraph of the preceding article, may give rise, either upon the mother's demand, or at the request of the Prosecuting Attorney to the withdrawal of the guardianship which had been invested in the mother.

Article 15. All acts of acknowledgment of natural half-breed children received up to the promulgation of the present decree will be relieved of the formalities of homologation, save the exceptions specified hereafter. They will have full regular and valid right, with all of the consequences resulting therefrom, upon the same title as the acts of acknowledgment which will be established in the future according to the proceeding provisions. They will have the same legal value, without any exception or restriction.

However, the Prosecuting Attorney acting officially in the interest of public order, may, with respect to certain acknowledgments made previous to the promulgation of the present decree and after July 1, 1916, and which to him might appear to have been made without any guarantee of sincerity and with fraudulent intent, enter a direct appeal for the annulment of the said acknowledgment before the competent courts, in conforming with the procedure indicated in the preceding articles.

A delay of one year counting from the promulgation of the present decree will be accorded to the prosecuting attorney for these purposes. At the ex-

piration of this delay, all of the above mentioned acts of acknowledgment will become definitely of full right, under the same title as the others, without any possible recourse, even for the above-mentioned causes.

Article 16. The procedure to be followed in this matter is gratis. The costs of court are paid according to the rules adopted in matters of judicial assistance.

Article 17. The Minister of Colonies and the Keeper of Seals, Minister of Justice, are charged, each as far as he is concerned, with the execution of the present decree which will be published in the Official Journals of the French Republic and of the Colony of Madagascar and dependencies and inserted in the Bulletin of Laws and in the Official Bulletin of the Ministry of Colonies.

MOROCCO

CONVENTION AS TO PROTECTION IN MOROCCO, SIGNED AT MADRID, JULY 3, 1880[1]

[TRANSLATION]

Article XV. Any subject of Morocco who has been naturalized in a foreign country, and who shall return to Morocco, shall after having remained for a length of time equal to that which shall have been regularly necessary for him to obtain such naturalization, choose between entire submission to the laws of the Empire and the obligation to quit Morocco, unless it shall be proved that his naturalization in a foreign country was obtained with the consent of the Government of Morocco.

Foreign naturalization heretofore acquired by subjects of Morocco according to the rules established by the laws of each country, shall be continued to them as regards all its effects, without any restriction.

DECREE OF APRIL 29, 1920[2]

RELATING TO FRENCH NATURALIZATION OF FOREIGNERS RESIDING IN MOROCCO

[TRANSLATION]

Article 1. Foreigners, not subjects of the Sultan of Morocco, who prove three years' residence, either in Morocco, with the exception of the Spanish Zone of the Shereefian Empire, France, Algeria or Tunis, the last residence being in Morocco, may be naturalized after completing their twenty-first year.

This period is reduced to a year in favor of those who have rendered exceptional services to France.

Article 2. Any woman married to a foreigner who has been naturalized French, by virtue of his residence in Morocco, and children of age of this foreigner, may, if they apply therefor, obtain the quality of French citizens, without any other conditions, by decree which confers this quality upon the husband, upon the father or upon the mother.

Article 3. French nationality is acquired by the minor children of a surviving father or mother who become naturalized French, provided however that within the year following their majority, as determined by the French law, they do not decline this quality in complying with the provisions of Article 8 of the present decree.

Article 4. A Frenchman who has lost French nationality on account of

[1] Text from *Treaties, Conventions, etc.*, I, 1220. The parties to this convention were: United States of America, Germany, Austria-Hungary, Belgium, Denmark, Spain, France, Great Britian, Italy, the Netherlands, Portugal, Sweden and Norway, and Morocco.

[2] Text from J. P. Niboyet and P. Goulé, *Recueil de textes usuels de droit international*, 87.

one of the reasons provided for by Article 17 of the Civil Code and who resides in Morocco may recover it by obtaining his reintegration by decree.

The quality of Frenchman may be accorded by the same decree to the wife and children of age, if they apply for same.

The minor children of a father or mother reintegrated, become French unless within the year following their majority, they decline this quality, in complying with the provisions of Article 8 of the present decree.

Article 5. A woman who has lost the quality of French citizen by her marriage with a foreigner and who resides in Morocco may, when her marriage is dissolved through the death of her husband or through divorce, recover this quality by obtaining reintegration by decree.

In case the marriage is dissolved through the death of the husband, the minor children become French, unless within the year following their majority, they decline this quality, in complying with the provisions of Article 8 of the present decree.

Article 6. The application for naturalization or reintegration is presented to the civil controller of the district in which the petitioner has fixed his residence. The civil controller proceeds with an official inquiry as to the previous conduct and morality of the applicant.

In each case, the result of the inquiry is sent with the application and the supporting documents to the resident French General at Rabat who transmits the dossier together with his advice of action and reasons to the Minister of Foreign Affairs.

It is acted upon by the President of the republic, upon the proposition of the Minister of Justice after advice of the Minister of Foreign Affairs.

Article 7. Naturalization of foreigners and reintegration in the quality of a French citizen are subject to a fee of 50 francs for the use of the Shereefian Treasury.

The partial or total reduction of this fee may be accorded by decree of the President of the republic, upon the proposition of the Minister of Justice, after advice of the Minister of Foreign Affairs.

Article 8. The signed declarations either to renounce the faculty of declining the French quality, or to reject this quality are received by the Justice of the Peace in whose province the applicant resides.

They may be executed by an agent by virtue of a special and authentic power of attorney.

They are made out in duplicate.

The declarant should be accompanied by two witnesses who certify his identity. He must produce in support of his declaration, his birth certificate, and besides, when a repudiation is involved, a statement in due form of his government, showing that he has kept the nationality of his parents and a certificate showing that he has responded to the call for military service

conforming to the military law of his country, save the exceptions provided for by treaties.

In case of residence abroad, the applications are received by the diplomatic agents or by the consuls.

Article 9. The two copies of the declaration and the substantiating documents are immediately sent by the Justice of the Peace to the Commissioner Public Prosecutor of the government; the latter transmits them without delay, through the resident general, who sends them to the Minister of Justice.

The declaration is recorded at the Chancellor's Office in a special register; one of the copies and the supporting documents are filed in the archives, the other copy with the mention of registration is returned to the party interested.

The registered declaration takes the date of the day on which it was received by the authority before whom it has been made.

Article 10. The declaration, in order not to be void, must be registered by the Minister of Justice.

Registration is refused if it results from the documents produced that the declarant does not fill the requirements of the law, except that he has the right to appeal before the civil courts, in the form prescribed by Articles 855 and those following of the code of civil procedure or by Articles 395 and those following of the dahir of civil procedure in force in Morocco.

The notification giving the reasons for refusal must be made to the claimant within an interval of one year after his declaration.

In the absence of the above-cited notification within the above-indicated period, and after its expiration, the Minister of Justice delivers to the declarant, upon his application, a copy of his declaration bearing the indorsement of registration.

Article 11. Renunciation by a minor of the right which he has, by application of Articles 3, 4 and 5 of the present decree, to decline the quality of Frenchman, during the year following his coming of age, is made in his name by his father, in case of the latter's death or disappearance by his mother, in case of the deaths of father and mother, or of their exclusion from guardianship, or in cases provided for by Articles 142 and 143 of the Civil Code, or in case of forfeiture of parental control, by the guardian authorized by a deliberation of the family council.

These declarations are made in the manner provided for by Article 8 and those following of the present decree. They are accompanied by the production of the birth certificate of the minor child and the decree conferring the quality of French citizen upon his father or mother, as the case might be.

Article 12. Declarations made, either for renouncing the faculty to decline the quality of Frenchman, or to repudiate this quality, should after registration, be inserted in the *Bulletin of Laws*.

However, the omission of this formality cannot be prejudicial to the rights of the declarant.

DAHIR OF NOVEMBER 8, 1921[1]

CONCERNING MOORISH NATIONALITY

[TRANSLATION]

Sole Article. Every individual, born in the French Zone of Our Empire, of foreign parents, one of whom is himself born in that zone, is Moroccan with the exception of citizens, subjects or ressortissants of the protecting power, other than our subjects.

DECREE OF NOVEMBER 8, 1921[1]

CONCERNING FRENCH CITIZENSHIP IN THE FRENCH ZONE OF THE SHEREEFIAN EMPIRE

[TRANSLATION]

The President of the French Republic

Considering the law of July 16, 1875, Article 8:

Considering the law of July 15, 1912,

Decrees:

Article 1. Every individual is French, who is born in the French Zone of the Shereefian Empire, of parents, one of whom, being amenable as a foreigner to the French Protectorate Tribunals, was himself born in the French Zone, provided that his parentage is established before his twenty-first year in conformity with the provisions of the law of the nation to which the ascendant belongs, or in accordance with the provisions of French law.[2]

If this parent is not the one who, in virtue of the rules laid down by French legislation, imparts his nationality to the child, the latter may, between his twenty-first and twenty-second year, declare that he renounces his French nationality.

Such declaration shall be registered in the form and under the conditions defined in Article 8 and following of the decree of April 29, 1920.

Article 2. The President of the Council, Minister for Foreign Affairs, and the Keeper of the Seals, Minister of Justice, are entrusted, each in so far as it concerns him, with the execution of the present decree.

[1] Text from enclosure with Despatch No. 10, November 3, 1924, from the American Consul at Tangier to the Secretary of State.

[2] Cf. Advisory Opinion No. 4, in Publications of the Permanent Court of International Justice, Series B, No. 4.

OCEANIA

DECREE OF APRIL 24, 1919[1]

MODIFYING FOR THE ESTABLISHMENTS OF OCEANIA ARTICLES 8 AND 339 OF THE CIVIL CODE

[TRANSLATION]

Article 1. The paragraph which bears number 1 of Article 8 of the Civil Code, as it has been modified by the decree of February 7, 1897, is completed as follows for the French establishments of Oceania:

> However, when the father is a French citizen, the child whose filiation toward him will have been established voluntarily or judicially after the recognition made by the native mother not governed by the law of December 3, 1880 or the proof of the filiation toward the latter, follows the nationality of his father.

Article 2. Article 339 of the Civil Code is completed for the same colony, by the following paragraph:

> The public minister may, officially, sue for the annulment of all recognitions by a French citizen of a native or assimilated natural child not able to claim European descent or to avail himself of the law of December 30, 1880, when the fact of paternity or maternity, which serves as the basis of recognition can be shown to be false.

[1] Text from J. P. Niboyet and P. Goulé, *Recueil de textes usuels de droit international*, 86.

TUNIS

DECREE OF JUNE 19, 1914 (26 REDJEB 1332)[1]

ON TUNISIAN NATIONALITY

[TRANSLATION]

Sole Article. The following are Tunisians: (1) Every individual residing in Tunis who does not possess the quality of a French or foreign subject or citizen by virtue of treaties or conventions binding the Tunisian Government. (2) Every individual born in Tunis or abroad of a Tunisian father, or, if the father is unknown, of a Tunisian mother prior to or after the promulgation of the present decree and residing in Tunis or abroad.

DECREE OF NOVEMBER 8, 1921 (7 RABIA-EL-AOUAL 1340)[1]

[TRANSLATION]

Article 1. Every individual, born in the territory of our kingdom, of parents, one of whom is himself born in that kingdom, is Tunisian, with the exception of citizens, subjects or nationals (*ressortissants*) of the protecting power, other than our subjects, and subject to provisions of conventions or treaties binding on the Tunisian Government.[2]

LAW OF DECEMBER 20, 1923[3]

RELATING TO THE ACQUISITION OF FRENCH CITIZENSHIP IN THE REGENCY OF TUNIS

[TRANSLATION]

Article 1. Every individual born in the Regency of Tunis of parents one of whom was born in the regency is French save that he has the power to decline the status of French citizen in the forms and under the conditions prescribed by Articles 2, 10 *et seq.* of the present law.

This provision is not applicable to the natives, French subjects or protégés of Tunisia, Algeria, or the French colonies or protected states.

Any person born in the regency of a foreigner who has himself taken advantage of the provision of paragraph 1 has not the power to decline the status of French citizen.

Article 2. Any person who is a French citizen by application of Article 1 of the present law may, in the year following the attainment of his majority,

[1] Text from J. P. Niboyet and P. Goulé, *Recueil de textes usuels de droit international*, 90.
[2] Cf. Advisory Opinion No. 4, Publications of the Permanent Court of International Justice, Series B, No. 4.
[3] Text from *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852.

decline the status of French citizen, provided that he proves that he has retained the nationality of that parent by whom, according to the foreign law, his own is determined.

He may renounce the exercise of this right from the age of eighteen years in the presence of the parent who is invested with the paternal authority or the right of guardian; in the event of the decease of the father and mother, or deprivation of paternal authority, or the exclusion from guardianship, or in the cases prescribed by Articles 142 and 143 of the Civil Code, by his guardian authorized by decision of the family council.

Article 3. Foreigners who prove that they have resided continuously for three years in Tunisia or in France, or Algeria, or the French colonies or protectorates, and finally in Tunisia, may be naturalized after completing their twenty-first year.

This period is reduced to one year in favor of those who have rendered exceptional services to France.

Article 4. The following may be naturalized after completing their twenty-first year and after having proved, if necessary, that they are able to write and speak the French language fluently:

(a) Tunisian subjects who have been permitted to contract and have fulfilled a voluntary agreement in the army or the navy in accordance with the conditions prescribed by the law of April 13, 1910.

(b) Tunisian subjects who have obtained—

The diploma of a licentiate in letters, science or law, of a doctor of medicine, first class pharmacist or the rank of house surgeon of hospitals appointed by examination in a town where there is a faculty of medicine.

The diploma conferred by the Central School of Arts and Manufactures, or the superior diploma conferred on external pupils by the School of Bridges and Roads, the College of Mines, the School of Marine Engineering, the dental schools.

The superior diploma bestowed by the National School of Waterways and Forests, the National Agronomic Institute, the du Pin Stud School, the National Schools of Agriculture of Grignon, Montpellier and Rennes, the Colonial School, the School for Higher Commercial Studies and the commercial high schools recognized by the state, the schools of arts and crafts.

A state prize or medal in the annual examination of the National School of Beaux-Arts, of the *Conservatoire de Musique* and the National School of Decorative Arts.

The diploma of secondary education, or the diploma given on the conclusion of courses at the Sadiki College, the regular superior Arabic diploma granted at Tunis, the diploma granted on the conclusion of studies at the Normal School of Tunis, the diploma granted on the conclusion of courses at the Émile Loubet Vocational School of Tunis.

(c) Tunisian subjects who have married French women, or foreigners justiciable by the French Protectorate Tribunals in the event of

the existence of children of such marriages and provided that the latter have not been dissolved by repudiation.

(d) Tunisian subjects who have rendered important services to the interests of France.

Article 5. A woman, whether of full age or a minor, married to a foreigner or a Tunisian subject who obtains French naturalization and the adult children of the naturalized foreigner or Tunisian subject may, if they request to do so, obtain the status of a French citizen, without further conditions, by the decree which confers that status on the husband, father or mother.

A woman who marries a person who is a French citizen by virtue of Article 1 of the present law shall follow the status of her husband. If her husband declines French nationality she will remain a French citizen unless she expresses a wish to follow the new status of her husband.

Article 6. The minor children of a foreign or Tunisian father or surviving mother who obtains French naturalization become French citizens.

This provision is not applicable to minors who have been expelled or have served with the colors of their country of origin.

Article 7. A person who has lost French nationality may have himself reinstated on the ground of his residence in Tunis under the same conditions as for residence in France.

The status of French citizens may be accorded by the same decree to the wife and major children if they demand it.

The minor children of a reinstated father or mother become French citizens subject to the reservations provided for in the second paragraph of Article 6.

Article 8. A woman who has lost French nationality by her marriage with a foreigner and who resides in Tunisia may, after the decease or disappearance of her husband, or divorce or separation, obtain her reinstatement by decree.

In the case where the marriage is dissolved by the death of the husband, the minor children become French citizens subject to the reservations provided in the second paragraph of Article 6.

In the case of the dissolution of the marriage of a Tunisian subject and a French woman by the death of the husband, the surviving mother may claim the status of French citizen on behalf of her minor children by subscribing a declaration in accordance with the forms prescribed by Articles 10 *et seq.* of the present law.

The registration of the declaration may be refused on the ground of the unworthiness of the minor; in this case it shall be determined in accordance with the provisions of Article 9 of the Civil Code within a period of six months from the declaration, or, if it is contested, from the date on which the judgment which admitted the claim took effect.

Article 9. The application for naturalization or reinstatement is presented to the Civil Controller in the district in which the applicant has fixed his

residence. This application is transmitted after enquiry to the Resident General, who sends the dossier with his reasoned opinion to the Ministry for Foreign Affairs.

It is decided by the President of the republic on the proposal of the *Garde des Sceaux* after consultation with the Minister for Foreign Affairs.

Article 10. Signed declarations, whether for declining the French nationality or for renouncing the power to decline that status in virtue of Articles 1, 2 and 8 of the present law, are received, in the presence of two witnesses, by the Justice of the Peace in the locality in which the declarant resides.

Such declarations shall always be made in person; nevertheless, when the assent of parent or guardian is required, it can be given by a special and authentic document.

Declarations are to be submitted in duplicate.

In the event of residence abroad, the declarations are received by diplomatic and consular officers.

They shall be registered, on pain of nullity, at the Ministry of Justice. One of the two copies shall be deposited in the archives of the Chancery; the other shall be sent to the person concerned with a statement regarding its registration.

Registration shall be refused if it appears from the documents produced that the declarant does not fulfill the conditions required by the laws, but it is open to him to appear before the civil tribunal in the forms prescribed by Articles 855 *et seq.* of the Code of Civil Procedure.

Notification of refusal, stating the reasons, must be made to the declarant within the period of six months from the signature of the document. In default of notification within this period and at the expiration of the same, the Minister of Justice shall transmit to the declarant on application a copy of his declaration, accompanied by the statement of registration.

Declarations made, whether for renouncing the power to decline French nationality or for repudiating this status, shall after registration be inserted in the *Bulletin des Lois*.

Nevertheless, the omission of this formality cannot prejudice the rights of the declarant.

The declaration shall have effect on the date on which it is made, unless it is annulled as the result of failure to register.

Article 11. The documents drawn up and the evidence produced with a view to applications for naturalization and declarations of nationality made in virtue of the present law are exempt from stamp duty in duly verified cases of poverty of the person concerned. In this event the extracts from the civil registration documents shall bear at the head of the text a statement as to the special purpose for which they are intended; they cannot be used for any other purpose.

Article 12. The President General shall within the month following the promulgation of the present law issue regulations for investigating declarations of nationality and demands for naturalization.

Article 13. Persons who are or become French citizens under the conditions of the present law are subject to the military obligations of their age-class, subject to the following conditions:

(1) That the military services rendered in the regular native troops or auxiliaries of the French army are credited to the persons concerned for an equal period of service in the French army.

(2) Provided that their domicile in Tunis is maintained up to the age of thirty years, persons who are citizens under the conditions laid down under Article 1, paragraph 1, except those who are born of a Tunisian father and foreigners naturalized in virtue of Article 3, cannot be held to any legal obligation of active service, unless they apply to the Civil Controller of their district, when by declining French citizenship or preserving their nationality of origin they would have benefited in law, or in fact by a total or partial exemption from military obligation.

Article 14. The provisions of the present law are applicable to all persons who have become French citizens by virtue of the decree of November 8, 1921.

All persons concerned who by reason of their age have no period or a period of less than three months at their disposal in which to decline status of a French citizen, shall, nevertheless, have the power to exercise this right within three months of the promulgation of the present law.

Inscription in the registers of civil control effected in virtue of the decree of November 8, 1921, are equivalent to renunciation by exercise of the right to decline the status of French citizenship as prescribed by Article 2 of the present law.

The persons concerned may within the period of three months nevertheless obtain the removal of such inscription from the registers of the civil control in the forms prescribed in Article 10.

Article 15. The decrees of July 29, 1887, February 28, 1899, October 3, 1910, August 20, 1914, and November 8, 1921, are repealed.

The present law, after it has been discussed and adopted by the Senate and by the Chamber of Deputies, shall be executed as a law of the state.

GREATER LEBANON

Mandated Territory [1]

ORDER NO. 15/S OF JANUARY 19, 1925 [2]

[TRANSLATION]

Article 1. The following are Lebanese:

(1) Individuals born of Lebanese father.
(2) Individuals born in the territory of Greater Lebanon who at their birth do not prove to have acquired a foreign nationality by filiation.
(3) Individuals born in the territory of Greater Lebanon of unknown parents or whose nationality is unknown.

Article 2. The natural child whose filiation is established during his minority will take the Lebanese nationality if the one of his parents, in whose behalf the proof of filiation has been given, is, in first instance, a Lebanese. If this proof is given for both the father and mother by the same deed or judgment, the child will have the nationality of the father, if the latter is a Lebanese.

Article 3. The following can be naturalized by ordinance of the chief of the state after inquiry and at their request:

(1) A foreigner who proves that he has resided without interruption in Lebanon for five years.
(2) A foreigner who has married a Lebanese woman and who proves that he has resided without interruption for one year in Lebanon from the date of his marriage.
(3) A foreigner who has rendered important services to Lebanon by ordinance giving reasons.

Article 4. A woman married to a foreigner who has become a naturalized Lebanese, and the children of age of naturalized foreigner will be able, if they apply therefor, to obtain the Lebanese nationality, without condition of residence, either by an ordinance which confers this nationality to the husband, father or mother, or by a special ordinance. The minor children of a father or a surviving mother, who have been naturalized as Lebanese will become Lebanese unless during the year which follows their majority they refuse this quality.

Article 5. A foreign woman who marries a Lebanese becomes a Lebanese.

Article 6. A Lebanese woman who marries a foreigner will lose her nationality, provided, however, that the national law of her husband grants her the nationality of the latter, otherwise she will remain a Lebanese.

[1] See note 10, ante, p. 59.
[2] Text from J. P. Niboyet and P. Goulé, *Recueil de textes usuels de droit international*, 99.

Article 7. A woman who has lost her Lebanese nationality by the fact of her marriage to a foreigner, will be able, after the dissolution of this marriage, to recover, by an ordinance of the chief of the state, the Lebanese nationality provided she resides in Greater Lebanon or comes back thereto and states her wish to reside therein.

Article 8. The following will lose their quality of Lebanese:

(1) The Lebanese who has acquired a foreign nationality, if this has been previously authorized by an ordinance of the chief of the state.
(2) The Lebanese who, having accepted a public office under a foreign government, retains it in spite of the order of the Lebanese Government to resign within a determined period.

Article 9. Litigations in matter of nationality depend exclusively upon civil courts.

Transitory Provisions

Article 10. Under reserve of option provided for in the Treaty of Peace signed at Lausanne on July 24, 1923, individuals who were born in the territory of Greater Lebanon of a father who was born therein and who possessed on November 1, 1914, the Ottoman nationality, are considered as Lebanese.

Article 11. Children and married women who have acquired a foreign nationality by application of Article 36 of the Treaty of Peace of Lausanne, can be naturalized Lebanese by ordinance of the chief of the state after inquiry and if they are established in the territory of Lebanon and make a declaration during the year which follows their majority or the dissolution of the marriage.

Article 12. All provisions which are contrary to the present ordinance are abrogated.

Article 13. The Secretary General and the Governor of Greater Lebanon are charged, each in what concerns him, with the execution of the present ordinance which will go into effect on the day of its publication in the *Bulletin officiel des Actes du Haut-Commissariat.*

Ordinances concerning Syrian nationality are conceived in the same terms *mutatis mutandis.*

ORDINANCES NOS. 2825/2825bis[1]

CONCERNING TURKISH SUBJECTS ESTABLISHED IN GREATER LEBANON

[Translation]

Article 1. Turkish subjects established in the territory of Greater Lebanon on August 30, 1924, are by right confirmed in Lebanese nationality and considered from this time as having lost their Turkish nationality.

[1] J. P. Niboyet and P. Goulé, *Recueil de textes usuels de droit international*, 98.

Article 2. Persons more than eighteen years old who have lost Turkish nationality and acquired by right Lebanese nationality by virtue of the above article, have the right within a period of two years reckoning from August 30, 1924, to choose Turkish nationality.

Article 3. Persons more than eighteen years old who have lost their Turkish nationality by virtue of Article 1, and differ in race from the majority of the population of the territory of Greater Lebanon, can, within a period of two years reckoning from August 30, 1924, choose the nationality of one of the states to which territory, separate from Turkey, was given in accordance with the Treaty of Peace of July 24, 1923, if in that state the majority of the population are of the same race as the person having the right to choose. If that state grants its nationality to the person who has made his choice, the Lebanese nationality will be lost.

Article 4. Persons having (according to the provisions of Articles 2 and 3 of the present ordinance) chosen another nationality than the Syrian nationality, will be compelled (within the next twelve months) to reside in the state they have chosen.

Persons who are compelled, according to the above paragraph, to reside out of the territory of Greater Lebanon will be free to keep the real estate they may possess. They will be able to take away their personal property of whatever kind. No export duty or tax will be levied thereon.

Article 5. Turkish subjects more than eighteen years old, natives of the territory of Greater Lebanon and residing on August 30, 1924, out of the said territory or of Turkey, have the right to choose Lebanese nationality if they are of the same race as the majority of the population of Greater Lebanon. This choice must be made within a period of two years reckoning from August 30, 1924, before diplomatic and consular agents of the mandatory French Government. Those residing in territories under French supremacy must make their choice before the administrative authorities designated to this effect by the French Government. The choice will lead to the acquisition of Lebanese nationality if the said mandatory government agrees thereto.

Article 6. In what concerns the application of the provisions of the present ordinance, married women will follow the status of their husband, and children less than eighteen years old will foliow the status of their parents.

SYRIA

Mandated Territory[1]

ORDER NO. 16/S OF JANUARY 19, 1925[2]

[TRANSLATION]

Article 1. Nationals of the States of Syria, Alaouite, and Jebel Druze have, from the external point of view, a single and the same nationality which is the Syrian nationality.

The nationals (*ressortissants*) of the said states have respectively the quality of the citizen of these states according to conditions and political rights to be determined by those states.

The following are Syrians:

(1) Individuals born of Syrian father.
(2) Individuals born in the territory of the States of Syria, Alaouite and Jebel Druze, who at their birth do not prove to have acquired a foreign nationality by filiation.
(3) Individuals born in the territory of the States of Syria, Alaouite and Jebel Druze of unknown parents or whose nationality is unknown.

Article 2. The natural child whose filiation is established during his minority, will take the Syrian nationality if the one of his parents, in whose behalf the proof of filiation has been given, is, in first instance, a Syrian. If this proof is given for both the father and mother by the same deed or judgment, the child will have the nationality of the father, if the latter is a Syrian.

Article 3. The following can be naturalized, upon their own request after due inquiries have been made, by a decree of the chief of the state where they reside at the time their request is made.

(1) A foreigner who proves that he has resided without interruption for five years in the territory of Syria, Alaouite or Jebel Druze.
(2) A foreigner who has married a Syrian woman and who proves that he has resided without interruption for one year in the territory of Syria, Alaouite or Jebel Druze from the date of his marriage.

Foreigners who shall have rendered important services to one of the States of Syria, the Alaouite and Jebel Druze can be naturalized at their own request by special decree of the chief of the state after due inquiries have been made and sufficient grounds for such step have been proved.

Article 4. A woman married to a foreigner who has become a naturalized Syrian, and the children of age of a naturalized foreigner will be able, if they

[1] See note 10, ante, p. 59.
[2] Text from J. P. Niboyet and P. Goulé, *Recueil de textes usuels de droit international*, 96.

apply therefor, to obtain the Syrian nationality, without condition of residence, either by an ordinance which confers this nationality to the husband, father or mother, or by a special ordinance. The minor children of a father or a surviving mother, who have been naturalized as Syrian will become Syrian unless during the year which follows their majority they refuse this quality.

Article 5. A foreign woman who marries a Syrian becomes a Syrian.

Article 6. A Syrian woman who marries a foreigner will lose her nationality, provided, however, that the national law of her husband grants her the nationality of the latter; otherwise she will remain a Syrian.

Article 7. A woman who has lost her Syrian nationality through her marriage with a foreigner, will be able, after the dissolution of this marriage, to recover her Syrian nationality by an ordinance of the chief of the state, provided that she resides in the States of Syria, the Alaouite or Jebel Druze or that she returns and declares her intention of permanently residing there.

Article 8. The following will lose their quality of Syrians:

(1) The Syrian who has acquired a foreign nationality, if this has been previously authorized by an ordinance of the chief of the state of which he is a national (*ressortissant*).

(2) The Syrian who, having accepted a public office under a foreign government, holds it in spite of the order of the Syrian Government to resign within a determined period.

Article 9. Litigations in matter of nationality depend exclusively upon civil courts.

Transitory Provisions

Article 10. Under reserve of option provided for in the Treaty of Peace signed at Lausanne on July 24, 1923, individuals who were born in the territory of the States of Syria, Alaouite and Jebel Druze, of a father who was born therein and who possessed on November 1, 1914, the Ottoman nationality, are considered as Syrians.

Article 11. Children and married women who have acquired a foreign nationality by application of Article 36 of the Treaty of Peace of Lausanne, may obtain Syrian nationality by ordinance of the chief of the state in whose territory they are established, after inquiry and if they are established in the territory of Syria, Alaouite and Jebel Druze, and make a declaration during the year which follows their majority or the dissolution of the marriage.

Article 12. All provisions which are contrary to the present ordinance are abrogated.

Article 13. The Secretary General, the President of the State of Syria, the Governor of the State of Alaouite, the Governor of the State of Jebel Druze are charged, each in what concerns him, with the execution of the present ordinance which will go into effect on the day of its publication in the *Bulletin officiel des Actes du Haut-Commissariat.*

ORDINANCES NOS. 2825/2825bis[1]

CONCERNING TURKISH SUBJECTS ESTABLISHED IN SYRIA

[TRANSLATION]

Article 1. Turkish subjects established in Syria on August 30, 1924, are by right confirmed in the Syrian nationality and considered from this time as having lost their Turkish nationality.

Article 2. Persons more than eighteen years old who have lost Turkish nationality and acquired by right the Syrian nationality by virtue of the above article, have the right within a period of two years reckoning from August 30, 1924, to choose Turkish nationality.

Article 3. Persons more than eighteen years old who have lost their Turkish nationality by virtue of Article 1 and differ in race from the majority of the population of Syria, can, within a period of two years reckoning from August 30, 1924, choose the nationality of one of the states to which territory, separate from Turkey, was given in accordance with the Treaty of Peace of July 24, 1923, if in that state the majority of the population are of the same race as the person having the right to choose. If that state grants its nationality to the person who has made this choice, the Syrian nationality will be lost.

Article 4. Persons having (according to the provisions of Articles 2 and 3 of the present ordinance) chosen another nationality than the Syrian nationality, will be compelled (within the next twelve months) to reside in the state they have chosen.

Persons who are compelled, according to the above paragraph, to reside out of Syria will be free to keep the real estate thay may possess. They will be able to take away their personal property of whatever kind. No export duty or tax will be levied thereon.

Article 5. Turkish subjects more than eighteen years old, natives of Syria and residing on August 30, 1924, out of the said territory or of Turkey, have the right to choose the Syrian nationality if they are of the same race as the majority of the population of Syria. This choice must be made within a period of two years reckoning from August 30, 1924, before diplomatic and consular agents of the mandatory French Government. Those residing in territories under French supremacy must make their choice before the administrative authorities designated to this effect by the French Government. The choice will lead to the acquisition of Syrian nationality if the said mandatory government agrees thereto.

Article 6. In what concerns the application of the provisions of the present ordinance, married women will follow the status of their husband; and children less than eighteen years old will follow the status of their parents.

Article 7. The President of Syria and the Secretary General are charged, each in so far as he is concerned, with the execution of the present ordinance.

[1] Text from J. P. Niboyet and P. Goulé, *Recueil de textes usuels de droit international*, 95.

GERMANY

EDITORS' NOTE. Prussia had passed a nationality law on December 31, 1842, which formed the basis of the law of June 1, 1870,[1] concerning the acquisition and the loss of nationality in the different federated states of the North German Confederation. This law provided that North German nationality was acquired *jure sanguinis* by children wherever born. Marriage with a North German conferred on the wife the nationality of the husband. The law of 1870 also provided for naturalization and loss of nationality. According to Article 21, Germans who lived abroad for ten years without interruption or registration in a German consulate lost their nationality.

The Constitution of the North German Confederation (Article 3)[2] provided: "There exists in all the Confederation a common right of nativity, the effect of which is that a national of each Federated State will be treated in all the Confederation as a national." The Constitutional Law of April 22, 1871[3] converted the law of June 23, 1870 into an imperial law and extended its application to the rest of Germany, except for paragraph 2 of Article 1, paragraph 3 of Article 8, and Article 16, the validity of which presupposed the existence of the North German Confederation.[4] The law of December 22, 1875,[5] dealt with naturalization of foreigners in the service of the Empire. The law of August 18, 1896[6] modified the law of June 1, 1870 by extending the citizenship of a naturalized alien to members of his family. The law of July 22, 1913[7] replaced (section 37) the nationality provisions of the law of June 1, 1870, and December 20, 1875. Part of the German law of nationality is contained in the Constitution of August 11, 1919.[7]

By Article 278 of the Treaty of Versailles of June 28, 1919[8] Germany undertook to recognize any new nationality which had been or might be acquired by her nationals under the laws of the Allied and Associated Powers and to regard such persons as having lost their German nationality.

Other provisions of that treaty regarding nationality are contained in Articles 53, 54, 79 (re Alsace-Lorraine); 36, 37 (re Belgium); 85 (re Czechoslovakia); 105, 106 (re Danzig); 112, 113 (re Denmark); 99 (re Memel); 91 (re Poland); paragraph 27 of Annex to Article 50 (re Saar Basin). Article 173 of the Treaty of Versailles provides for the abolition of universal compulsory military service in Germany.

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[1] *Bundes Gesetzblatt des Norddeutschen Bundes*, June 23, 1870, No. 20; Clunet (1903) 419.
[2] *Bundes Gesetzblatt des Norddeutschen Bundes*, No. 16, April 20, 1871; W. Kahn, "La loi allemande sur la nationalité, son passé, son présent, son avenir," *Rev. de dr. int. pr.* (1913) 321.
[3] W. Kahn, *op. cit.*
[4] Cit. Bd. Report (1906) 327.
[5] *Reichsgesetzblatt*, December 22, 1875, No. 40; 67 *Br. and For. St. Papers*, 1287.
[6] Clunet (1903) 419.
[7] Post.
[8] *Br. Treaty Series*, No. 4 (1919), Cmd. 153.

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For the text of the law of June 1, 1870, in French, see Clunet (1903) 419; *Rev. de dr. int. et de lég. comp.* (1871) 91; in English, see 79 *Br. and For. St. Papers*, 147. For comment and text, see *Ann. de lég. étr.* (1872), 183. For comment on the law of January 8, 1873, see *Ann. de lég. étr.* (1874) 541. For the text of the law of December 22, 1875, in German, see *Reichsgesetzblatt* (1875), No. 32; in English, see 67 *Br and For. St. Papers*, 1287. For comment and text, see *Ann. de lég. étr.* (1876) 290. For comment on the resolution of April 7, 1880, see *Ann. de. lég. étr.* (1881) 193. For the text of the law of July 22, 1913, in German, see *Jahrbuch des Völkerrechtes* (1914) II, 339; *Reichsgesetzblatt* (1913), No. 46, 583; in English, see *Am. Jour. Int. Law Supp.* (1914) 217; 108 *Br. and For. St. Papers*, 473; in French, see *Ann. de lég. étr.* (1913) 138; Clunet (1914) 289; Haennig, *Une fourberie allemande—La loi Delbrück* (1915) 9; *Rev. de dr. int. pr.* (1913) 971. For comment on the law of July 22, 1913, see *Ann. de lég. étr.* (1913) 133; Cohn, "Zum neuen deutschen Reichs- und Staatsangehörigkeitsgesetz," *Jahrbuch des Völkerrechts*, II, 2, 148; Delius; R. W. Flournoy, Jr., "Observations on the New German Law of Nationality," *Am. Jour. Int. Law* (1914) 477, reviewed in *Rev. de dr. int. pr.* (1914) 700; D. J. Hill, "Dual Citizenship and the German Imperial and State Citizenship Law, *Am. Jour. Int. Law* (1918) 356; Keller-Trautmann, *Kommentar zum Reichs- und Staatsangehörigkeitsgesetz vom Juli 1913* (Munich 1914); A. Magnus, *Reichs- und Staatsangehörigkeitsgesetz vom 22. Juli, 1913* (Berlin, 1917); Th. Meyer, *Reichs- und Staatsangehörigkeitsgesetz vom Juli 1913* (2d ed., Berlin, 1914); *Rev. de dr. int. pr.* (1913) 971; Schwartz, 145; J. B. Scott, "The German Imperial and State Citizenship Law (of July 22, 1913, especially Sections 13 and 25)," *Am. Jour. Int. Law* (1918) 247; Seitler, "Gab es vor dem Reichs- und Staatsangehörigkeitsgesetz v. 22 Juli 1913 eine elsass-lothringische Staatsangehörigkeit?" *Deutsche Juristen-Zeitung* (1917) 890; H. Weck, *Das Reichs- und Staatsangehörigkeitsgesetz vom 22. Juli, 1913* (Berlin, 1913); Frhr. v. Welser, *Reichs- und Staatsangehörigkeitsgesetz vom 22. Juli, 1913* (Munich, 1914); J. Woeber, *Reichs- und Staatsangehörigkeitsgesetz vom 22. Juli, 1913* (3d ed., Munich, 1922).

CONSTITUTION OF AUGUST 11, 1919[1]

[TRANSLATION]

Article 6. The Reich shall have the exclusive power of legislation in respect to: . . .

[1] Text from McBain and Rogers, 177. Later amendments of the Constitution have not affected the provisions regarding nationality.

(3) Citizenship, freedom of movement, immigration and emigration, extradition. . . .

Article 110. Citizenship in the Reich and in the states shall be acquired and lost in accordance with the provisions of a national law.

Every citizen of a state is at the same time a citizen of the Reich.

Every German shall have in every state of the Reich equal rights and duties with the citizens of that state.

LAW OF NATIONALITY OF JULY 22, 1913[1]

[TRANSLATION]

PART I.—GENERAL PROVISIONS

Section 1. A German is one who has citizenship in a federal state (Sections 3 to 32) or direct imperial citizenship (Sections 33 to 35).

Section 2. Alsace-Lorraine is a federal state in the sense of this law.

The colonies count as Germany in the sense of this law.

PART II.—CITIZENSHIP IN A FEDERAL STATE

Section 3. Citizenship in a federal state is obtained

(1) By birth (Section 4),
(2) By legitimation (Section 5),
(3) By marriage (Section 6),
(4) By assumption in the case of a German (Sections 7, 14 and 16) and
(5) By naturalization in the case of a foreigner (Sections 8 and 16).

Section 4. The legitimate child of a German acquires by birth the citizenship of the father: the illegitimate child of a German woman, the citizenship of the mother.

A child which is found in the territory of a federal state (a foundling) is considered to be a child of a citizen of that state until the contrary is proved.

Section 5. Legitimation by a German effective in accordance with German law bestows the citizenship of the father on the child.

Section 6. Marriage with a German bestows the citizenship of the husband on the wife.

Section 7. A German must be granted assumption of citizenship by the state within whose territory he has taken up his residence, provided no objection exists such as justifies the expulsion of a newcomer or the refusal of the right to further residence in accordance with Sections 3 to 5 of the law of November 1, 1867, relative to freedom of migration (Imperial Law Gazette, page 55).

[1] Text from enclosure with Despatch No. 846, September 3, 1913, from the American Consul General at Berlin to the Secretary of State.

The application of a married woman must have the consent of the husband: the consent failing, it may be waived by the guardianship authorities. In the case of a person under parental tutelage or guardianship the application is made by his legal representative, if he has not completed his sixteenth year; if he has completed his sixteenth year, the application must have the consent of the legal representative.

Section 8. A foreigner who has taken up his residence in Germany may on application be naturalized by the state within whose territory his residence lies,

(1) If he is legally competent in accordance with the laws of his former home or would be legally competent in accordance with the laws of Germany; or if the application is made by his legal representative or with the latter's consent in accordance with the second sentence of paragraph 2 of Section 7;
(2) If he has led a blameless life;
(3) If he has in the place of his residence his own dwelling or lodging; and
(4) If he is able there to support himself and his family.

Prior to naturalization the local authorities of the place of his residence, and, so far as these may not constitute an independent poor union, the poor union also, are to be heard as to the requirements of numbers 2 to 4.

Section 9. Naturalization in a federal state may take place only after the Imperial Chancellor has ascertained that none of the other states has raised objection thereto; if a state objects, the Federal Council decides. The objections may be based only on facts such as justify the fear that the naturalization of the applicant would imperil the welfare of the Empire or of a state.

The provisions of paragraph 1 do not apply

(1) To former citizens of the state in which the application is made, to their children and grandchildren and to persons who have been adopted as children of a citizen of the state, unless the applicant is a citizen of a foreign country;
(2) To foreigners, who are born within the German Empire provided they have maintained a continuous residence within the state in which application is made up to the end of the twenty-first year of their lives and apply for naturalization within two years after that time.

Section 10. The widow or divorced wife of a foreigner, who was a German at the time of her marriage, must on application be naturalized by the state within whose territory she has taken up her residence, if her case fulfills the requirements of numbers 1 and 2 of paragraph 1 of section 8. Prior to naturalization the local authorities of the applicant's domicile are to be heard as to the requirements of number 2.

Section 11. A former German, who during minority has lost citizenship by expatriation, must on application be naturalized by the state within whose territory he has taken up his residence, provided his case fulfills the requirements of paragraph 1 of Section 8 and the application is made within two years after majority. The provisions of paragraph 2 of Section 8 apply.

Section 12. A foreigner who has actively served for at least one year as a German in the army or navy must on application be naturalized by the state within whose territory he has taken up his residence, provided his case fulfills the requirements of paragraph 1 of Section 8 and his naturalization would not imperil the welfare of the Empire or of a federal state. The provisions of paragraph 2 of Section 8 and of paragraph 1 of Section 9 apply.

Section 13. A former German who has not taken up his residence in Germany may on application be naturalized by the state of which he was formerly a citizen, provided his case fulfills the requirements of numbers 1 and 2 of paragraph 1 of Section 8; the same applies to one who is descended from a former German or has been adopted as a child of such. Prior to naturalization a report must be made to the Imperial Chancellor; if he raises objections, naturalization does not take place.

Section 14. Appointment either made or confirmed by the government or by the central or higher administrative authorities of a state to a position in the direct or indirect service of the state, in the service of a municipality or municipal association, in the public school service or in the service of a religious society recognized by one of the federal states, counts in the case of a German as assumption and in the case of a foreigner as naturalization, except in so far as a reservation is made in the instrument of appointment or confirmation.

These provisions do not apply in the case of appointment as officer or official in the military reserve.

Section 15. The appointment to the imperial service of a foreigner who has his official residence in a federal state counts as naturalization in that state, except in so far as a reservation is made in the instrument of appointment.

If the appointee has his official residence abroad and receives a salary from the imperial treasury, he must be naturalized by the federal state in which he makes application therefor; if he receives no salary from the imperial treasury, he may be naturalized with the consent of the Imperial Chancellor.

Section 16. Assumption or naturalization becomes effective with the issuance of the appropriate certificate by the higher administrative authorities or with the issuance of a certificate of appointment within the meaning of the provisions of Section 14 or paragraph 1 of Section 15.

Assumption or naturalization extends, except in so far as a reservation is made in the certificate, at the same time to the wife and to those children whose legal representative rests by reason of parental tutelage in the person

who has assumed citizenship or become naturalized. Daughters who are married or have been married are excepted.

Section 17. Citizenship is lost—

(1) By expatriation (Sections 18 to 24);
(2) By the acquisition of foreign citizenship (Section 25);
(3) By non-performance of military duty (Sections 26 and 29);
(4) By decision of the authorities (Sections 27 to 29);
(5) In the case of an illegitimate child, by such a legitimation by a citizen of another federal state or by a foreigner as is effective under German law; and
(6) In the case of a German woman, by marriage with the citizen of another federal state or with a foreigner.

Section 18. The expatriation of a married woman may be applied for only by the husband and when he is a German only simultaneously with an application for his own expatriation. The application requires the wife's assent.

Section 19. The expatriation of a person who is under parental tutelage or guardianship may be applied for only by the legal representative and only with the consent of the German court having jurisdiction in guardianship matters. Appeal lies with the state attorney's office from the decision of the court; and unlimited further appeal may be taken from the decision of the appeal court;

The consent of the court having jurisdiction in guardianship matters is not necessary if the father or mother apply for expatriation for themselves and by authority of parental tutelage simultaneously for the child, the care of the person of the child being incumbent on the applicant. If the duties of a special adviser to the mother (coguardian) extend to the care of the child, the application of the mother for the expatriation of the child must have the consent of the special adviser.

Section 20. Expatriation in one federal state effects simultaneous expatriation in every other federal state, unless the expatriated person reserves citizenship in another state by declaration before the competent authorities of the state granting expatriation. The reservation must be noted in the instrument of expatriation.

Section 21. Expatriation must be granted on application to every person, when he possesses citizenship in another federal state and reserves it in accordance with Section 20.

Section 22. When Section 21 does not apply, expatriation is not granted—

(1) To persons liable to military duty, as to whose liability to service a decision has not been made, except in cases where they present a certificate from the recruiting commission that in the opinion of the commission expatriation is not sought with a view to escaping the fulfillment of active service;
(2) To members of the active army, of the active navy or of the active colonial troops;

(3) To members of the reserve of the class defined in numbers 2 to 4 of Section 56 of the imperial military law, except in cases where they have obtained the consent of the military authorities;
(4) To other members of the reserve after they have been called to active service;
(5) To officials and officers, including those of the reserve, before they have been discharged from duty.

In time of peace, expatriation may not be refused on other grounds than those enumerated in paragraph 1. The right is reserved to the Emperor to issue special decrees in time of war or when there is danger of a war.

Section 23. Expatriation becomes effective with the issuance of an expatriation certificate by the higher administrative authorities of the home state. The certificate is not issued to persons who are arrested or whose arrest or imprisonment has been ordered by the judicial or police authorities.

If expatriation extends at the same time to the wife or the children of the applicant, these persons must be designated by name in the expatriation certificate.

Section 24. An act of expatriation is considered ineffective, if at the end of one year after the issuance of the expatriation certificate the expatriated person maintains his residence or permanent abode in Germany.

This provision does not apply if the expatriated person has reserved citizenship in another federal state in accordance with Section 20.

Section 25. A German who has neither his residence nor permanent abode in Germany loses his citizenship on acquiring foreign citizenship, provided the foreign citizenship is acquired as a result of his own application therefor or the application of the husband or legal representative; but in the case of a wife or one having a legal representative, only when the conditions exist under which expatriation may be applied for according to Sections 18 and 19.

Citizenship is not lost by one who before acquiring foreign citizenship has secured on application the written consent of the competent authorities of his home state to retain his citizenship. Before this consent is given the German consul is to be heard.

The Imperial Chancellor may order, with the consent of the Federal Council, that persons who desire to acquire citizenship in a specified foreign country, may not be granted the consent provided for in paragraph 2.

Section 26. A German liable to military service who has neither his residence nor permanent abode in Germany loses his citizenship on the completion of his thirty-first year, unless he has before then obtained a final decision as to his liability to service or a postponement of decision beyond that time has taken place.

A deserter who has neither his residence nor permanent abode in Germany loses his citizenship at the end of two years following the proclamation of the decision by which he has been declared a deserter (Section 360 of the

military criminal court ordinance). This provision does not apply to members of the reserve, of the national guard or of the second reserve, who have been declared deserters, because they have not complied with a call to service, unless it be that the call came after an order to prepare for war or an order for mobilization had been issued.

Whoever has lost his citizenship on the ground of paragraphs 1 or 2 may be naturalized by a federal state only after a hearing by the military authorities. If he proves that no guilt attaches, naturalization may not be denied him by the federal state to which he formerly belonged.

Section 27. A German residing abroad may be declared to have lost his citizenship by decision of the central authorities of his home state, if in case of a war or danger of war he does not comply with an order from the Emperor to return.

If he is a citizen of several federal states, he loses citizenship in all of them by such a decision.

Section 28. A German who enters the service of a foreign country without the permission of his government may be declared to have lost his citizenship by decision of the central authorities of his home state, if he does not comply with an order to retire therefrom.

If he is a citizen of several federal states, he loses citizenship in all of them by such a decision.

Section 29. Loss of citizenship in the cases provided for in paragraphs 1 and 2 of Section 26 and Sections 27 and 28, as well as the reacquisition of citizenship in the cases provided for in sentence 2 of paragraph 3 of Section 26, extends simultaneously to the wife and to those children whose legal representation lies by reason of parental tutelage with the expatriated or the renaturalized person, so far as the wife or the children live with him in family community. Daughters who are married or have been married are excepted.

Section 30. A former German, who has lost citizenship by expatriation prior to the going into effect of this law but would be considered not expatriated in the light of the provisions of paragraph 1 of Section 24, must on application be naturalized by the state within whose territory he has taken up his residence, provided he has taken up his residence in Germany within the time specified in paragraph 1 of Section 24, his case fulfills the requirements of paragraph 1 of Section 8 and he makes application within one year after the going into effect of this law. The provisions of paragraph 2 of Section 2 apply.

Section 31. A former German, who prior to the going into force of this law has by ten years' residence abroad lost citizenship in accordance with the provisions of Section 21 of the law of June 1, 1870, relative to the acquisition and loss of federal and state citizenship (Imperial Law Gazette, page 355), must be naturalized by the federal state within whose territory he has taken up his residence, provided he is a citizen of no country.

The same applies to a former citizen of a federal state, or of a state which has been incorporated in such a state, who prior to the going into effect of the law of June 1, 1890, has by residence outside his home state lost his citizenship in accordance with the common law.

Section 32. A German liable to military service, who at the time of the going into effect of this law has neither his residence nor permanent abode in Germany and prior to that time has completed the twenty-ninth, but not yet the forty-third, year of his life, loses his citizenship at the end of two years, provided he has not within that time obtained a final decision as to his military liability.

A deserter of the kind designated in paragraph 2 of Section 26, who at the time of the going into effect of this law has neither his residence nor permanent abode in Germany and prior to that time has not completed the forty-third year of his life, loses his citizenship at the end of two years, provided he has not within this time presented himself before the military authorities.

Part III.—Direct Imperial Citizenship

Section 33. Direct imperial citizenship may be granted—

(1) To a foreigner, who has taken up his residence in a colony or to a native of a colony;
(2) To a former German, who has not taken up his residence in Germany; the same applies to one who is descended from a former German or has been adopted as a child of such.

Section 34. Direct imperial citizenship must on application be granted to a foreigner who is appointed in the imperial service and has his official residence abroad, provided he receives a salary from the imperial treasury; it may be granted to him if he does not receive such a salary.

Section 35. The provisions of this law relative to citizenship in a federal state with exception of the provisions of paragraph 2 of Section 4, of paragraph 2 of Section 8, of sentence 2 of Section 10, of sentence 2 of Section 11, of sentence 2 of Section 12 and of Sections 14 and 21 apply *mutatis mutandis* to direct imperial citizenship with the provision that the Imperial Chancellor replaces the central authorities of the federal state and the Imperial Chancellor or the authorities designated by him replace the higher administrative authorities.

Part IV.—Final Provisions

Section 36. Treaties concluded by the federal states with foreign countries prior to the going into effect of this law remain undisturbed.

Section 37. In cases where reference is made in imperial or state laws to provisions of the law of June 1, 1870, relative to the acquisition and loss of federal and state citizenship or of the law of December 20, 1875, relative to

the naturalization of foreigners who are appointed to the imperial service, the corresponding provisions of this law replace them.

Section 38. Assumption or naturalization certificates in the cases provided for in Section 7, in Sections 10, 11 and 12, in Sections 30 and 31 and in the first clause of the first sentence of Section 34 are issued free of cost. The same applies to the issuance of expatriation certificates in the cases provided for in Section 21.

A charge of not more than three marks for both the stamping and preparation of expatriation certificates issued in the cases provided for elsewhere than in Section 21 may be made.[1]

Section 39. The Federal Council issues regulations relative to assumption, naturalization and expatriation certificates as well as to certificates which serve as proof of citizenship.

The state central authorities indicate what authorities are to be regarded as higher administrative authorities or as military authorities in the sense of this law.

Section 40. Appeal is permitted from the refusal of an application for assumption in accordance with Section 7, for naturalization in the cases provided for in Sections 10, 11 and 15, in paragraph 3 of Section 26, in Sections 30 and 31 and in paragraph 3 of Section 32, or of an application for expatriation in the cases provided for in Sections 21 and 22.

The competence of authorities and procedure are determined in accordance with state law, and, so far as no provisions exist in the state law, in accordance with paragraphs 20 and 21 of the Industrial Ordinance (*Geberbe-Ordnung*).

Section 41. This law goes into effect January 1, 1914, simultaneously with a law revising the imperial military law and the law of February 11, 1888, relative to the revision of liability to military service.

[1] Modified by the law of November 5, 1923. *Reichsgesetzblatt*, 1923, I, 1077.

GREECE

EDITOR'S NOTE. The Civil Code of 1856 [1] provides for the acquisition and the loss of nationality. The law of January 18, 1858 [2] modified Article 22 of the code by providing for preferential treatment in the naturalization of persons of certain categories. The Civil Code was also modified by the law of February 19, 1881,[3] which provided for naturalization by royal decree before the expiration of the time required by the Civil Code. The law of July 27, 1895 [4] reestablished Article 15 of the Civil Code as it was before the modification of the laws of February 19, 1891 and February 10, 1893. The law of February 18–20, 1901 [5] provided again for naturalization by royal decree on certain conditions. Certain formalities for naturalization were dealt with in the royal ordinance of April 14/May 18, of the same year.[6] The law of July 26, 1911 [7] repealed the law of July 27, 1895 and completed Article 5 of the Civil Code, which was also completed by the decree of August 21, 1911.[8] The law of December 13, 1913 modified Article 23 of the code by requiring the permission of the Greek Government for naturalization abroad. The law of June 7, 1916 [9] provides for the registration of Greek citizens living abroad. The decree law of October 19, 1922 [10] provides for the naturalization of refugees. The law of September 10, 1925 concerning naturalization is modified by the law of October 15, 1927.[1] Many articles of the Civil Code are amended by the decree law of September 13, 1926, which is confirmed by the decree of August 12, 1927.[1]

Article 7 of the convention concerning the exchange of population, concluded between Turkey and Greece on January 30, 1923 [11] provides that the "emigrants" will lose the nationality of the country which they are leaving and will acquire the nationality of the country of their destination, upon their arrival in the territory of the latter.

BIBLIOGRAPHY: Cit. Bd. Report (1906) 427; Folleville, 567; Lehr, 103; Magnus, 46; D. K. Nikolopoulou, *Greek Nationality* (Athens, 1927); Politis, "Le droit international privé en Grèce," Clunet (1908) 5; A. Rontiris, "De l'acquisition, de la perte et du recouvrement de la nationalité grecque," Clunet (1890) 222; Zeballos, I, 365.

For the text of the law of 1856, in French, see Cogordan, 486; in German, see Cahn, 435; Hamburg Polizeibehörde, *Gesetze über die Staatsangehörigkeit* (1898), 84; Keller-Trautman, 675. For comment on the law of March 3, 1881, see *Ann. de lég. étr.* (1881) 617. For comment on the law of February 19, 1884, see *Ann. de lég. étr.* (1892) 862. For comment on the law of December 31, 1890, see ibid. For comment on the law of February 10, 1893, see *Ann. de lég. étr.* (1894) 705. For comment on the law of July 27, 1895, see *Ann. de lég. étr.* (1896) 784. For comment on the ordinance of April 14/May 8, 1901, see *Ann. de lég. étr.* (1901) 514. For the text of the law of January 15, 1914, in English, see 107 *Br. and For. St. Papers*, 887. For comment on the decree law of October 19, 1922, see *Ann. de lég. étr.* (1922) 314. For the text of the decree law of September 10, 1925, in English, see *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, p. 30. For the text of the law of 1926, in French, see Clunet (1927) 821.

[1] Post.
[2] Cit. Bd. Report (1906) 428.
[3] A. A. Rontiris, "De l'acquisition, de la perte et du recouvrement de la nationalité grecque," Clunet (1890) 222, 230.
[4] *Ann. de lég. étr.* (1896) 784. [5] Id., (1901) 514. [6] Ibid.
[7] Clunet (1917) 832. [8] Ibid. [9] Id. 791. [10] *Ann. de lég. étr.* (1922) 314.
[11] *Br. Treaty Series*, No. 16 (1923), Cmd. 1929.

LAW NO. 391, OF OCTOBER 29, 1856[1]

AS AMENDED BY THE DECREE LAW OF SEPTEMBER 13, 1926, WHICH WAS CONFIRMED BY THE DECREE OF AUGUST 12, 1927

[TRANSLATION]

BOOK I.—CONCERNING PERSONS

SECTION I.—ON THE ENJOYMENT, LOSS AND RECOVERY OF CIVIL RIGHTS

CHAPTER I.—*On the enjoyment of civil rights*

Article 9. The enjoyment of civil rights is independent of the enjoyment of political rights, which are acquired and preserved only in accordance with public law.

Article 10. Every Greek enjoys all civil rights.

Article 11. The fetus is regarded as being born, so far as the civil rights accruing to it are concerned, provided it is born alive; however, if there is a doubt as to whether it was born alive or dead the former hypothesis is assumed.

Article 12. Artificial persons constituted according to the law enjoy civil rights in so far as their enjoyment thereof is not restricted by special laws.

Article 13. Aliens also enjoy civil rights in Greece, except when the laws of the nation, unmodified by treaties, grant certain civil rights to natives only.

Article 14.[2] The following are Greeks:

(a) One born of a Greek father;
(b) One born of a Greek mother and an unlawful father;
(c) One born in Greece of an unknown father and mother or of unknown nationality;
2. Any person born and resident in Greece who has no foreign nationality.
(d) One born of an alien mother and an unlawful Greek father, if he be legally recognized by the latter.
(e) A person born of a father or mother born in Greece or living in Greece not less than five years before his (or her) birth and living there himself (or herself) at the time of reaching his (or her) majority according to Hellenic law, unless he (or she) should decline Hellenic nationality through a declaration to the municipal or communal authority of the place of his (or her) domicile in the year following his (or her) coming of age. In such case he (or she) must append to the declaration a certificate from the competent authority stating that he (or she) has retained the nationality of the parents. Children born in Greece of foreign parents residing in Greece because of a public office salaried by the Hellenic or a foreign state do not come under this provision;

[1] Text from D. K. Nikolopoulou, *Greek Nationality* (Athens, 1927).
[2] As amended by decree law of September 13, 1926.

(f) A person born in Greece of foreign parents and who, under the law to which the parents are subject, does not follow the nationality they had at the time of his (or her) birth.

Article 15.[1] An alien who is of age according to the law of the nation to which he belongs may become a Greek by naturalization. Every person wishing to be naturalized must declare his desire to the authorities of the place where he wishes to establish his residence, and after the declaration he shall reside in Greece two years if he is of the Greek race, and three years if of a different race; upon the expiration of this period, and upon procuring a certificate from the proper public attorney that he has not committed any of the crimes or offenses embraced within Article 22 of the penal code, he must take the oath of a Greek before the proper prefect.

Article 16. The king may allow an alien who has applied for naturalization full enjoyment of civil rights during the period required for naturalization, but in such a case all his legal relations shall be regulated according to the Greek laws.

Article 17.[2] Children born before the father filed an application for naturalization become Hellenes from the time when this naturalization takes place, but may renounce this (Greek) nationality in the year following their majority, under the conditions foreseen by Article 14, paragraph (e).

The wife of a naturalized Hellene *ipso facto* acquires Hellenic nationality through her husband's naturalization, but, provided she was of a foreign race, she may renounce this (Greek) nationality by a declaration to the municipal or communal authority of her place of domicile, presented in the year which follows his naturalization.

She must, in that case, append to her declaration a certificate of the competent authority showing that she maintains her nationality of origin.

Article 18. The children born during the two-year or three-year period referred to in Article 15 become Greeks by the naturalization of the father.

Article 19. A person born of a Greek woman and an unlawful alien father, but recognized by the latter, and one born in Greece of an alien, may acquire Greek nationality according to the provisions of Article 17.

Article 20. A person born of parents who have renounced Greek nationality may always acquire this nationality by fulfilling the requirements of Article 17.

Article 21. An alien woman married to a Greek becomes a Greek.

Article 22. An alien who renders great services to Greece, who introduces there an important invention or industry, who founds establishments of public utility, or who is distinguished for superior intellectual ability, may be naturalized by a law.

[1] As amended by the Royal Decree of August, 1911.

[2] As amended by decree law of September 13, 1926, confirmed by the decree of August 12, 1927.

CHAPTER II.—*The renunciation and recovery of civil rights*

Article 23.[1] He loses his quality of a Greek who:

(a) Becomes naturalized in a foreign country. For this, permission of the Greek Government, given through the Ministry for Foreign Affairs after consideration of the concrete circumstances submitted, is required beforehand; but this permission is never given if the petitioner is liable to military service or if he be a military delinquent or subject to penal prosecution for a misdemeanor or a crime.

(b) Accepts without royal permission, employment in the service of a foreign government, and who after being directed by the Greek Government to leave such employment within a stated period, keeps on without complying.

In case entering such service involves, pursuant to the law of the foreign country, acquisition of citizenship in that country, as well as in any other case which concerns the acquisition of foreign citizenship by a Greek of his own free will, and by virtue of a law of a foreign country, the provisions of paragraph (a) are in force.

Article 24. The wife and children of one renouncing Greek nationality remain Greek.

Article 25.[2] An Hellenic woman who marries a foreigner loses her Hellenic nationality only in the case where her marriage confers upon her the husband's nationality. If the husband becomes naturalized in Greece, or if the wife obtains a divorce or becomes a widow, she may resume Greek nationality, when she resides or has come to reside in Greece, by declaring to the municipal authorities of the place where she intends to live her desire to resume Greek nationality.

Article 26. A person naturalized in a foreign country with royal permission recovers Greek nationality if, having returned to Greece, he declares his desire to recover such nationality before the proper authority and establishes his residence in Greece.

Article 27. A person who renounces Greek nationality may always recover it if, having returned to Greece, he declares his desire to this effect before the proper authorities, resides in Greece six months, and takes the oath of a Greek before the prefect.

Article 28. A person who has entered foreign military service without royal permission may recover his Greek nationality if, having returned to Greece, and having previously obtained royal permission, he fulfills the conditions imposed on an alien for becoming naturalized.

Article 29. The deprivation of civil rights in consequence of a criminal sentence is regulated by the penal laws.

[1] As amended by Law No. 120 of 1913. Source, Despatch No. 730, August 8, 1921, from American Legation at Athens.

[2] As amended by decree law of September 13, 1926.

DECREE OF AUGUST 21, 1911 [1]

[TRANSLATION]

Whoever desires to acquire Greek citizenship by virtue of the law ΓΜΩΒ must submit a petition to the Ministry of Interior either directly or through the Chief of the County (Nomarch) in which he resides.

To the petition mentioned above must be attached the following documents: (a) Copy of the declaration relative to acquisition of Greek citizenship filed with the communal authorities of the place of residence; (b) Certificate, taken from the official registry of births showing that the petitioner is of age according to the law of the state to which the petitioner belongs.

In case of a country in which it is impossible to obtain a certificate from the competent authority—administrative, communal or the elders (of a village)—of the petitioner's place of residence, certification of age may be made by a sworn statement before a Justice of the Peace.

The communal authority with which the declaration relative to acquisition of Greek citizenship has been filed shall certify as to the authenticity of the above certificates.

LAW OF SEPTEMBER 10, 1925 [2]

CONCERNING THE MODIFICATION OF THE PROVISIONS RESPECTING THE NATURALIZATION OF FOREIGNERS

[TRANSLATION]

Article 1. In exceptional cases the naturalization of foreigners by decree may be permitted even without residence in Greece.

In such cases the declaration made by the foreigner concerning the acquisition of Greek nationality is made in the presence of the Greek consular authorities in the place of his residence, or, if there be none other, in the presence of the nearest Greek consular authorities.

Persons thus naturalized take the oath as Greek citizens in the presence of the above consular authorities and are registered in the register of whatever municipality or community they choose.

The age of such persons is determined on the basis of an act of registration, or in default of such, of a certificate of the competent administrative municipal or ecclesiastical authorities of the place from which he comes or, in default of such, it is determined on the basis of a statement by the person naturalized, attested by the consular authorities.

Article 2. Any Greek settled in the new territories may acquire Greek nationality on submitting an application with this object to the competent

[1] Text from enclosure with Despatch No. 1089, October 9, 1929, from the American Minister to Greece to the Secretary of State.

[2] Text from *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852.

Prefect or Sub-Governor. On his application being accepted through an order of the Prefect or Sub-Governor the applicant takes the oath as a Greek (citizen) in the presence of the Prefect or Sub-Governor or of the municipal or communal authorities and a document is drawn up to this effect.

Article 3. The oath of a Greek citizen is as follows: "I swear to observe faith to the Fatherland and the republican régime and obedience to the Constitution and laws of the state."

Article 4. The present decree law becomes operative from the date of its publication in the Government Gazette.

Details respecting the execution of this decree law shall be fixed by decree.

LAW OF SEPTEMBER 13, 1926 [1]

CONFIRMED BY THE DECREE OF AUGUST 12, 1927

[TRANSLATION]

Article 4. Greek subjects of foreign birth who leave Greece without intending to return, lose their Greek nationality.

Minor children emigrating with their parents lose their Greek nationality simultaneously with their parents.

The intention not to return is decided for practical purposes by some relevant circumstance, such as a declaration by the emigrant that he is leaving Greece for good, his departure with the whole of his family, his acquisition of a foreign nationality with permanent establishment abroad, etc.

Any dispute regarding the intention not to return shall be decided by the Ministry for Foreign Affairs.

Article 5. All persons are Greek citizens who were born in Greece of alien refugee parents (Armenians, Circassians), who fled to Greece for refuge, during the years 1920–23, inclusive, from the country from which Greek refugees came, and the parents of whom were citizens of the country from which they came.

Any of the aforesaid persons loses Greek nationality who up to December 31st of the year in which he attains his twenty-second year, leaves Greece and definitely transfers his domicile abroad.

Minor children of the same foreign refugee parents as above who reside in Greece are also Greek citizens according to the operation of the present decree, if they were born in the state of which their parents were subjects. These children lose Greek nationality if they leave Greece and transfer their domicile definitely abroad by December 31st of the year in which they attain the age of twenty-two.

Article 6. Persons who acquire Greek nationality in accordance with paragraph (e) of Article 14 of the Civil Law, and any children born before

[1] Text from *Br. Parl. Papers*, Misc. No. 7 (1928), Cmd. 3221.

their father's declaration of intention to become naturalized, and the persons mentioned in Article 5 above, have the same duties of citizenship as those who have acquired Greek citizenship by naturalization.

DECREE LAW OF OCTOBER 15, 1927 [1]

AMENDING THE DECREE LAW OF SEPTEMBER 10, 1925

[TRANSLATION]

Article 1. Article 1 of the decree law of September 10, 1925, "concerning the amendment of the provisions concerning the naturalization of foreigners" is annulled.

Article 2. Articles 2, 3 and 4 of the above decree law of September 10, 1925, are ratified as follows:

> Article 2. Any Greek settled in the New Territories may acquire Greek nationality on submitting an application with this object to the competent Prefect or Sub-Governor.
>
> On his application being accepted through an order of the Prefect or Sub-Governor, the applicant takes the oath as a Greek (citizen) before the Prefect or Sub-Governor or the municipal or communal authorities to be determined by them, and a document to this effect is drawn up.
>
> Article 3. This oath of a Greek citizen is as follows: "I swear to observe faith to the Fatherland and the republican régime and obedience to the Constitution and the laws of the state."
>
> Article 4. The present decree law becomes operative from the date of its publication in the Government "Gazette."

Details respecting the execution of this decree law will be fixed by decree.

We entrust our Minister of the Interior with the publication and execution of this decree law, which should be submitted to the Chamber for ratification according to Article 77 of the Constitution immediately upon the resumption of its business.

[1] Text from *Br. Parl. Papers*, Misc. No. 7 (1928), Cmd. 3221.

GUATEMALA

EDITORS' NOTE. The constitutional provisions in regard to nationality[1] are those of the Constitution of December 11, 1879, as revised November 5, 1887, August 30, 1897, and December 20, 1927. The first constitution was that of October 11, 1826. It was modified in 1851 and in 1859. According to the provisions of the latter constitution,[2] citizens were those born in the republic and those naturalized by the legislature. If a child born in Guatemala of foreign parents returned to the country of his parents he lost his Guatemalan nationality. Two new constitutions, those of 1871 and 1873 were passed prior to the Constitution of October 23, 1876.[3] The latter constitution was replaced by that of December 11, 1879. Article 5 of the Constitution of 1879 was modified by the law of November 1887.[4] Decree No. 491 of February 21, 1894 promulgated the law of foreigners. Articles 14, 25, 26 and 38 of this decree were modified by decree No. 45 of May 5, 1894. Article 151 of the Civil Code of 1926 amends Article 1 of the law of 1894, while Article 152 amends Article 4 of the same law.

BIBLIOGRAPHY: Cit. Bd. Report (1906) 429; Folleville, 626; Keller-Trautmann, 695; Lehr, 107; *Répertoire alphabétique de droit* (1900) XXII, 456; Zeballos, I, 666.

For comment on the Constitution of December 11, 1879, see Clunet (1917) 833. For comment on the law of November 1887, see ibid. For the text of the law of February 21, 1894, in Spanish, see the pamphlet, *Ley de extranjería de la República de Guatemala* (1895). For comment, see Clunet (1917) 833. For comment on the decree of May 5, 1894, see ibid. For the text of the Constitution of 1903, in Spanish, see Arbo, *Ciudadanía y naturalización* (1926) 104; *Ley constitutiva de la República de Guatemala* (1912).

CONSTITUTION OF 1879

AS REVISED IN 1887, 1897, 1927[5]

[TRANSLATION]

Article 4. Guatemalans are divided into native and naturalized.

Article 5. The following are natives:

(1) All persons born or that may be born in the territory of the republic, whatever the nationality of the father may be, the children of diplomatic agents excepted.

(2) The children of a Guatemalan father or the illegitimate children of a Guatemalan mother, who are born in a foreign country, from the moment that they fix their residence in the republic; and even without this condition, when, according to the laws of the place where they were born, Guatemalan nationality belongs to them, or if they have the right to choose and select Guatemalan nationality.

Article 6. Natives of other Central American republics who manifest before a competent authority their desire of becoming Guatemalans, and ful-

[1] Clunet (1917) 833. [2] Folleville, 626. [3] Zeballos, I, 667. [4] Clunet (1917) 833.
[5] Text from enclosure with Despatch No. 2192, November 24, 1928, from the American Chargé d'Affaires at Guatemala to the Secretary of State.

fill the legal requisites, whenever reciprocity exists in their country of origin and the one where this is extended, are also considered as native Guatemalans.

Article 7. Naturalized citizens are foreigners who, having resided in the country for the period which the law prescribes, obtain naturalization papers, and also those who have obtained them formerly, in accordance with the law.

LAW OF FEBRUARY 21, 1894[1]

[TRANSLATION]

TITLE I. SINGLE CHAPTER—WHO ARE FOREIGNERS

Article 1. For the purposes of this law the following are considered foreigners: Persons born outside of Guatemalan territory of parents who are not Guatemalans; legitimate children born outside of Guatemala of a foreign father and Guatemalan mother; Guatemalans who have lost their nationality; those born outside of Guatemala of parents who have lost their Guatemalan nationality; a Guatemalan woman married to a foreigner and domiciled outside of Guatemala; children of diplomatic ministers though born in Guatemalan territory.

Article 2. National vessels shall be considered as Guatemalan territory in determining the nationality of those born on board thereof.

Article 3. The following shall be considered as naturalized Guatemalans:

(1) Spanish-Americans domiciled in the republic who have not reserved their nationality in the manner prescribed by Article 87 of this law, and in accordance with the first clause of Article 7 of the Constitution of the republic.

(2) All other foreigners who obtain naturalization papers in accordance with the provisions of this law and of the third clause of Article 7 of the Constitution. Central Americans who manifest their desire before the authorities in the manner prescribed by Article 87 of this law, and in accordance with Article 6 of the aforesaid Constitution, shall be considered as native Guatemalans.

Article 4. A Guatemalan who has lost his nationality by becoming naturalized in a foreign country, as well as the divorced wife of a foreigner, and both residing outside of Guatemala, may recover their original nationality at any time by making application, renouncing the protection of the foreign flag, and having their declaration and renunciation recorded in the civil register. The government, however, reserves the right to decide such cases in the manner which it deems most expedient.

[1] Text from Cit. Bd. Report (1906) 431. This law has been modified by Decree No. 841, of September 28, 1923, relating to deportation of aliens; by Decree No. 867, of July 11, 1924, post; and by Decree No. 937, of December 7, 1926, relating to immigration and residence of aliens.

Article 5. The application referred to in the foregoing article must be made before the Minister of Foreign Affairs of the republic, or before the Guatemalan diplomatic or consular officer of the place where the applicant resides.

Article 6. The children of a Guatemalan father or the illegitimate children of a Guatemalan mother who are born and reside in a foreign country and who, according to the laws of their birth, are entitled to choose their nationality, must, if they decide in favor of Guatemalan nationality, declare their intention within a year following the attainment of their majority or their emancipation before the Guatemalan diplomatic or consular officer, who must in this as in the preceding case record the fact in the register of the legation or consulate in his charge, and give immediate notice thereof to the Minister for Foreign Affairs of the republic.

Article 7. A Guatemalan who has entered the service of a foreign country, enlisted in the army, or accepted a municipal office or similar authority without permission from the Government of Guatemala, shall be considered as a foreigner; however, he may recover Guatemalan nationality by fulfilling the formalities established in Articles 4 and 5.

Article 8. A Guatemalan naturalized in another country shall, on returning to Guatemala, continue subject to the obligations of his original nationality, suspended only during his absence, and the allegation that he has been naturalized in another country can not exempt him from fulfilling them.

Title VII. Single Chapter—Naturalization of Foreigners

Article 86.[1] The procedure to be followed in order to acquire naturalization in accordance with clause 3, Article 7, of the Constitution of the republic, shall be as follows: The applicant must prove to the chief civil magistrate of the department that he has resided two years in the republic and that he has observed good conduct and has an income, profession, art, trade, or some other honorable way of making a living. The proof of these points may be by documents or by witnesses. When the proof has been furnished the civil magistrate shall transmit it to the Department of Foreign Affairs, and when the application has been examined the President of the republic shall issue a decree granting the naturalization, provided the conditions imposed have been fulfilled. When the decree has been issued, a copy thereof shall be sent to the civil register so that it may be recorded according to law.

Article 87. In order to make the reservation of nationality mentioned in Article 7 of the Constitution of the republic, as well as the declaration referred to in Article 6 of the same law, the parties concerned shall apply in writing to the chief civil magistrates of the departments, who, after having them ratify their application, shall transmit it to the Department of Foreign

[1] Modified by Decree No. 867, of July 11, 1924, post, p. 324.

Affairs, which shall issue the proper certificate upon payment of a fee of one dollar plus the amount of the stamped paper used. This certificate must be recorded in the civil register in order to be effective.

Article 88. Any foreigner may be naturalized in Guatemala, without distinction of origin, in conformity with the provisions of Article 86.

Article 89. Naturalization may be express, tacit, or presumed.

Article 90. Naturalization papers are divided into two classes, viz., those in the nature of a grant and those in the nature of a declaration. The former contain a grant of express naturalization, while the latter contain a declaration that the interested parties have been naturalized by virtue of the law because of having performed certain acts, or, what is the same, having made a declaration of tacit naturalization.

Article 91. Papers declaring tacit naturalization are retroactive in their effects to the date in which the legal act was performed which brought about the change of nationality in contradistinction to papers granting naturalization, which become effective from and after the day of their issue.

Article 92. Naturalization papers can not be granted to the following: To the subject of a nation engaged in a war with Guatemala or to those who are reputed or declared judicially in any country as pirates, slave traders, incendiaries, poisoners, parricides, or counterfeiters of money or bank notes or other paper used as money.

Article 93. Tacit naturalization is effected:

(1) By omitting to make the reservation mentioned in clause 1[1] of the Constitution of the republic.

(2) By accepting any of the offices or public employments reserved for Guatemalans.

Article 94. A naturalized person acquires all the rights and contracts all the obligations of Guatemalans, with the exceptions made in the ensuing articles.

DECREE NO. 867, OF JULY 11, 1924[2]

[TRANSLATION]

In order to prevent Guatemalan naturalization from being solicited with the sole purpose of obtaining facilities abroad, flouting the laws of other countries,

The Constitutional President of the Republic,

Decrees:

To complete Article 86 of the law pertaining to foreigners in the following form:

[1] This refers to clause 1 of Article 7 of the Constitution. The clause has been repealed in the revision of the Constitution in 1927.

[2] Text from enclosure with Despatch No. 2561, September 11, 1921, from the American Minister to Guatemala to the Secretary of State.

Naturalization can only be effected when the one interested is in Guatemala and proves that at the date on which he begins the necessary measures, he has resided in the country continuously during the previous two years.

The Secretary for Foreign Affairs cannot issue passports in favor of naturalized foreigners, until a year has expired since the date of the corresponding inscription in the Civil Register.

This decree will become effective from the date of its publication in the Official Gazette.

Given at Government House in Guatemala, on the eleventh of July of nineteen hundred twenty-four.

CIVIL CODE OF 1926[1]

[TRANSLATION]

Article 151 (Amending Article 1 of the law of 1894). Through marriage the wife adds her husband's name to her own and maintains her nationality unless she should wish to take up that of her husband. If so, she must have it expressly stated in the marriage papers.

Article 152 (Amending Article 4 of the law of 1894). A Guatemalan woman who marries a foreigner and takes up her husband's nationality recovers her original nationality if she resides in the country where the marriage is dissolved and even when residing abroad she may recover it by making the proper declaration to that effect before the proper consular or diplomatic officer of Guatemala at the place of her residence.

[1] Text from Official Publication of Guatemala, 1926.

HAITI

EDITORS' NOTE. The Constitution of December 27, 1806[1] contained the following: "Are recognized as Haitians: 1st, the whites who are in the army; 2d, those who exercise civil functions; and 3d, those who are already admitted in the republic at the publication of the present Constitution." The Constitution of 1816 enacted that, "All Africans and Indians and their issue born in the colonies and abroad who come to reside in the republic are recognized as Haitians, but do not enjoy the rights of a citizen except after a residence of one year."

The Civil Code was promulgated in 1825. The Constitution of 1843[2] declared that children of Haitians, no matter where born, acquire the nationality of their parents, while a Haitian woman marrying an alien acquired her husband's nationality, and by the decree of September 9, 1845,[3] such a woman would lose all rights of possessing real property in Haiti. This decree was repealed by the law of October 30, 1860,[4] which regulated the marriage between Haitians and foreigners. The law of September 5, 1860[5] reduced the period of residence required for naturalization and amended Article 14 of the Civil Code. The Constitution of 1867[6] brought about a slight change. In the revised Constitution of 1874, Europeans were allowed to become naturalized. The Constitution of 1879 provided that a Haitian woman followed the nationality of her husband.

The Constitution now in force is that of June 12, 1918. The law of August 22, 1907 superseded all prior inconsistent provisions.

BIBLIOGRAPHY: Bonamy, "Le code civil haitien dans ses différences avec le code civil français (partie relative à la nationalité)," *Rev. de lég. de Port-au-Prince* (3d year) 98, and (4th year) 19; Borno, "Etude sur la loi du 30 octobre 1860 relative aux mariages entre Haitiens et étrangers," id. 1st year; Dévot, "Détermination de la nationalité," id. (1st year) 190–290, (2d year) 5, 81, 151, 167, 208; J. Dévot, *La nationalité . . . examen de la loi No. 2 du code civil d'Haiti et des chapitres I et II du titre II de la constitution du 9 octobre 1889* (Paris, 1893); Dévot, "La naturalisation," *Rev. de lég. de Port-au-Prince* (3d year) 12; Dufort, "Des principaux effets juridiques du mariage entre Haitiens et étrangers," id. (1st year) 319; Ferrere, "Nationalité haitienne," id. (9th year) 12; J. Justin, *De la nationalité en Haiti* (Port-au-Prince, 1905), reviewed in *Bull. de lég. comp.* (1905–6) 495; Lehr, 111; A. Poujol, *De la nationalité dans la République d'Haiti* (Paris, 1902); M. A. Poujol, *De la nationalité dans la République d'Haiti* (Paris, 1903), reviewed in *Bull. de lég. comp.* (1902–3) 470; A. Poujol, "De la nationalité dans la République d'Haiti," *Rev. gén. de dr. int. pub.* (1902) 591.

For the text of the decree of September 9, 1847, in French, see *Rev. gén. de dr. int. pub.* (1902) 597. For comment on the law of October 30, 1860, see id. (1898) 104, footnote. For the text of the Constitution of 1889 in Spanish, see Carranza, *Digesto constitucional americano* (1910) 123; in German, see Keller-Trautmann, 699. For the text of the law of August 16, 1907, in French, see 101 *Br. and For. St. Papers*, 365. For the text of the law of August 30, 1907, in French, see Clunet (1910) 714. For comment and text, see *Ann. de lég. étr.* (1907) 1012.

[1] A. Poujol, "De la nationalité dans la République d'Haiti," *Rev. gén. de dr. int. pub.* (1902) 591, 594. For the history of the law of nationality prior to the independence of Haiti, see id. 592. [2] Id. 597. [3] Ibid. [4] Id. 598. [5] Post.

[6] There had been two previous revisions of the Constitution, in 1846 and 1849, but the nationality provisions were unchanged. See id. 597.

CONSTITUTION OF JUNE 12, 1918[1]

[Translation]

Title II. Haitians and Their Rights

Section I.—*Civil and Political Rights*

Article 3. The rules governing nationality shall be determined by law.

Article 4. All foreigners who find themselves on Haitian territory shall enjoy the same protection as that extended to Haitians.

Article 5. The right to own real estate shall be given to foreigners residing in Haiti and to the societies organized by foreigners for purposes of residence, and agricultural, commercial, industrial or educational enterprises.

This right shall cease after a period of five years from the date when the foreigner shall have ceased to reside in the country or the activities of said companies shall have ceased.

CIVIL CODE OF MAY 1, 1826

AS MODIFIED BY THE LAW OF SEPTEMBER 5, 1860[2]

[Translation]

Article 14. All those who are qualified to acquire Haitian citizenship by virtue of the Constitution, should, within a month after their arrival in the country, make a declaration before the Justice of the Peace of their place of residence and in the presence of two respectable citizens that they come with the intention of settling in the republic. They shall at the same time take an oath before the Justice of the Peace that they renounce allegiance to all other countries except Haiti. Furnished with a copy of the record of their declaration that they come to establish themselves in the republic, and of their oath, they shall present themselves at the office of the President of Haiti to receive from the head of the nation a certificate recognizing them as citizens of the Republic.

LAW OF AUGUST 22, 1907[3]

[Translation]

Article 1. The status of a Haitian is acquired by birth, naturalization and some special favor of the law.

It may be proven by certificates from the recorder of births, marriages, etc., the full enjoyment thereof and any other legal means.

Article 2. Those who are Haitians by birth are:

[1] Text from Wright, 296.
[2] Text from Cit. Bd. Report (1906) 407.
[3] *Moniteur*, October 12, 1907.

(1) Anyone born in Haiti or elsewhere of a Haitian father;
(2) Anyone also born in Haiti or elsewhere of a Haitian mother without being acknowledged by the father;
(3) Anyone born in Haiti of a foreign father, or if not acknowledged by his father, of a foreign mother, provided he be of African extraction. The status of a Haitian so acquired cannot be removed through the later act of the foreign father acknowledging his child.

Those who up to date have been acknowledged as such are also Haitians.

Article 3. Anyone born in Haiti of an unknown father and mother or of a known father and mother whose nationality is unknown will acquire the Haitian nationality on the strength of a declaration of his birth made before the recorder of births, unless before his majority he is recognized by his father and mother or by one of them, being of foreign nationality, who do not descend, either the one or the other, from the African race.

Article 4. Anyone born in Haiti of a foreign father and mother who are not of African extraction; anyone born in Haiti of a foreign father and mother who were themselves born there and are not of African extraction; anyone not acknowledged by his father born in Haiti of a foreign mother who is not of African extraction, will acquire the status of a Haitian by merely making a declaration in the year in which he becomes of age in the office of the Attorney of the civil Tribunal of his residence.

That declaration will carry a renunciation of the foreign nationality and the adoption of the Haitian nationality.

Article 5. Any alien may become a Haitian by naturalization after residing two years in Haiti.

However, he will not be allowed to exercise political rights until five years after the said naturalization.

These provisions in no way detract from those found in Articles 1 and 7 of the law of August 10, relative to Levantines.

Article 6. The time of residence mentioned in the foregoing article is reduced to one year for any alien who marries a Haitian, who shall have rendered important services to Haiti, who shall have brought to Haiti distinguished talent, introduced some industry, trade or useful invention or created some industrial or agricultural establishment.

Article 7. Any alien who accepts a civil or military office and holds it for five years will from that alone acquire the status of a Haitian, unless he should declare by an instrument served at the office of the Attorney of the civil Tribunal of his residence that he wishes to hold his nationality.

Article 8. After application for naturalization is passed upon through an order of the President of the republic, the said order shall be published in the *Moniteur*.

Article 9. A foreign woman who marries a Haitian has the same status

as her husband. A Haitian woman who marries an alien forfeits her status as a Haitian.

Article 10. Any Haitian woman who should lose her nationality through marriage with an alien may recover it through naturalization.

Article 11. In case a marriage between an alien and a Haitian woman is dissolved, the woman in order to recover her Haitian status will only have to file in the office of the Attorney of the civil tribunal of her residence, a declaration that she renounces her foreign nationality and resumes her former Haitian status.

Children under age who are born foreigners will hold their foreign nationality up to the year when they become of age, when they shall have the option of acquiring the Haitian status through a declaration made in the same form.

Children of age who were born abroad and come to Haiti for the purpose of settling there may also acquire Haitian nationality through a declaration to the office of the Attorney of the Civil Tribunal of their residence.

Article 12. A Haitian woman who marries an alien, who, after his marriage, has himself naturalized a Haitian, does thereby recover her original nationality and the children who are of age of that said naturalized alien who were born out of Haiti may, if they apply for it, be given the status of Haitians without any condition of stay (*stage*), either through the President's order which confers that status on the father, or as a consequence of a declaration signed by them in the office of the Attorney of the Civil Tribunal of their residence as provided in Article 4.

Children under age born abroad may in the year when they become of age acquire a Haitian status by filing a like declaration.

Article 13. The minor children of a surviving father or mother who become naturalized Haitians will have the same option under the same condition.

Article 14. The provisions of Article 12 are applicable to a woman who is not of Haitian origin and is married to an alien who becomes a naturalized Haitian.

Article 15. The Haitian woman whose Haitian husband should become naturalized abroad after the marriage shall maintain Haitian nationality unless she was herself naturalized a foreigner. The children born before naturalization continue to be Haitians.

Article 16. As for the young men to whom the law grants, without condition of stay (*stage*), the option of becoming Haitians in the year of their becoming of age, the fact of enlisting in the Haitian Army or taking part in recruiting operations or in a general way exercising the rights or fulfilling the obligations that go with the status of a Haitian citizen without pleading to be excused on the ground of alienage after the time they become of age, will be tantamount to the declaration provided for by law which then becomes unnecessary.

Chapter II.—Loss of the Status of Haitians

Article 17. The status of a Haitian is lost:

1. Through naturalization in a foreign country;
2. Through leaving the mother country in time of imminent danger;
3. Through accepting without any authorization public office or pensions at the hands of a foreign government.
4. Through any service rendered to the enemies of the republic, or by transactions carried on with them;
5. Through final sentence rendered upon trial to standing penalties that are at once degrading.

Article 18. Any Haitian who is naturalized abroad may not return to Haiti except after five years which shall begin to run from the date of judgment or certificate of naturalization.

Article 19. Any Haitian who is naturalized abroad and returns to Haiti will be liable to prosecution on the charge of any crime or offense committed before he was naturalized unless there be prescription.

Article 20. In all cases where a Haitian of either sex should acquire a foreign nationality there will be allowed one year in which to dispose of real property.

After that time upon an action instituted by parties in interest or in their place, the Public Prosecutor, there shall be a sale by auction of the said property in accordance with the forms outlined in Title VII of the Code of Civil Procedure.

Article 21. No Haitian of either sex can forswear his nationality in Haiti. It is necessary to go abroad as many years as the law of the land and the Constitution of Haiti require.

Article 22. Declarations of nationality and failing such declarations or changes in nationality effected by the operation of the law shall be published in the *Moniteur* by the Secretary of State for the Department of Justice.

Article 23. The act of naturalization issued to a Haitian of either sex, who shall not have resided abroad for not less than five years cannot work any legal effect.

Article 24. This law supersedes all laws or provisions of law inconsistent therewith. It shall be executed by the Secretaries of State for Foreign Relations and for the Department of Justice, each one in his own province.

HEJAZ

EDITORS' NOTE. While the King of the Hejaz is also King of Nejd and its Dependencies, it appears that the nationality law of September 24, 1926, is applicable only to the Hejaz.

BIBLIOGRAPHY: No discussion of the nationality law of the Hejaz of 1926 has been found. For the history and political status of the Hejaz, see "Arabia" (Handbook prepared under the direction of the Intelligence Division, Admiralty, London, 1920), pages 96, 109 *et seq.*; *Current History*, November, 1929, pages 272–85; *The Statesman's Yearbook* (1929), pages 645 *et seq.*

LAW OF SEPTEMBER 24, 1926[1]

[TRANSLATION]

1. Residents in the Hejaz who after the Great War and after the reign of the Turks remained in the Hejaz are considered Hejaz subjects.

2. Persons born of Hejaz parents are Hejaz subjects.

3. Persons born in Hejaz territory are considered Hejazis.

4. Moslems over fourteen years of age establishing themselves for three consecutive years in the Hejaz and applying for citizenship papers, in person or in writing, to the Hejaz authorities, shall be granted citizenship certificates.

5. At the recommendation of the Committee any Moslem from whom the Hejaz Government may derive benefit shall be entitled to registration as a Hejaz subject.

6. Hejaz subjects are not permitted to change their nationality without written permission from the Hejaz authorities. Such Hejaz subjects who have become the subjects of other nations without informing the Hejaz Government shall not be considered foreign subjects.

7. Hejaz subjects enlisting in foreign military service without previous permission from the Hejaz Government lose their citizenship and shall not be allowed to enter Hejaz territory.

8. Foreign women marrying Hejaz subjects lose their original citizenship and automatically become Hejaz subjects. They shall remain Hejaz subjects even after their divorce. They would lose their Hejaz citizenship only when they marry foreigners outside Hejaz territory.

9. Children born in Hejaz of foreign parents are Hejaz subjects only so long as they reside in Hejaz.

10. All persons residing in Hejaz or neighboring territories on or about September 24, 1926, shall be considered Hejaz subjects with the exception, of course, of those in possession of foreign passports.

11. This law was promulgated on the date mentioned above (September 24, 1926) and the Registrar has been empowered to bring it in force.

[1] Text from enclosure with Despatch No. 26, October 24, 1929, from the Consul at Aden, to the Secretary of State.

HONDURAS

EDITORS' NOTE. The constitutional provisions relating to nationality, now in force, are to be found in the Constitution of September 10, 1924. The Constitution of January 11, 1839 remained in force until 1894. It was, however, modified on February 4, 1848, during September 1865 and December 1873, on November 1, 1880, and on October 14, 1894.[1] The Constitution of October 14, 1894[2] provided (Article 8) that the nationals of the Central American Republics could become Hondurans by signifying their intention to do so. It also provided for naturalization (Article 9). The Constitution of 1894 was superseded by that of 1904 but was restored shortly afterwards with a slight modification which did not concern nationality.[3]

The law of April 10, 1895,[4] enacted that children born abroad of Hondurans might opt for the nationality of their parents. It also provided that children born in Honduras of foreign parents domiciled there were Hondurans. This law (Article 1) provided that a Honduran woman marrying an alien acquired her husband's nationality. The law of February 8, 1906,[5] provided that children born in Honduras of foreigners were Hondurans. This law was repealed by the law of February 4, 1926.[6]

BIBLIOGRAPHY: Cit. Bd. Report (1906) 437; Lehr, 141; Zeballos, II, 11.

For comment on the Constitution of October 14, 1894, see Clunet (1917) 833. For comment on the law of April 10, 1895, see Clunet (1917) 833. For the text of the Constitution of 1904, in Spanish, see, Arbo, *Ciudadanía y naturalización* (1926) 103; Carranza, *Digesto constitucional americano* (1910) 287; in German, see Keller-Trautmann, 702. For comment on the law of February 8, 1906, see Clunet (1917) 833. For comment on the Civil Code of February 8, 1906, see ibid.

CONSTITUTION OF SEPTEMBER 10, 1924[7]

[TRANSLATION]

TITLE II.—HONDURANS

Article 6. Hondurans are native or naturalized.

Article 7. Natives are:

(1) Those born in Honduras of Honduran parents.

(2) Children born in Honduras of domiciled foreigners and children born abroad of Honduran father or mother, who elect Honduran nationality. The declaration of election must be made within a year after coming of age. The provisions of this paragraph may be modified by treaty.

(3) Those born in Honduras of foreigners themselves born in the country. No Honduran born in the territory of the nation shall have any nationality other than that of Honduras while residing in the country.

Article 8. Nationals of the other republics of Central America domiciled in the country shall be considered as natives, except when they may have

[1] Zeballos, II, 11. [2] Lehr, 113. [3] Wright, 315.
[4] Clunet (1917) 833. [5] Zeballos, II, 12. [6] Post.
[7] Text from *Law and Treaty Series*, No. 2 (1925), Pan American Union.

expressed before the chief departmental political authority the desire to preserve their nationality. Likewise Central Americans by extraction who may manifest the desire to become Hondurans shall be considered native Hondurans.

Article 9. Naturalized are:

(1) Spaniards and Latin-Americans who have resided one year in the country and who manifest before the proper authority their desire to become naturalized.

(2) Other foreigners who have resided two years in the country and who manifest before the said authority their desire to become naturalized.

(3) Those who may obtain letters of naturalization granted by authority designated by law.

Title IV.—Citizens

Article 20. All Hondurans above twenty-one years of age, and those above eighteen years who know how to read and write, are citizens.

Article 21. The rights of citizenship are: to exercise the suffrage; to possess and bear arms, and to seek public office; in all cases according to law.

Military men while rendering active service in the army or in the police shall not be electors, except as eligible in the cases not prohibited by law.

Article 22. The condition of citizenship is suspended, lost and regained in accordance with the following prescriptions:

It is suspended—

(1) By an order of formal arrest or declaration of criminality or that there be grounds for the institution of criminal proceedings.
(2) By formal judgment that deprives of political rights.
(3) By judicial interdict on account of being declared a fraudulent debtor or for conduct notoriously vicious.
(4) For vagrancy, legally declared.

It is lost—

(1) For accepting without the necessary permission decorations from foreign countries, except when these distinctions have for their object the reward of philanthropic, scientific, literary or artistic work.
(2) For exercising, without the necessary license, employment from a foreign country in the military branch, or of a political character.

The exercise of citizenship is reestablished—

(1) By stay of proceedings.
(2) By sentence of acquittal.
(3) By compliance with the penalty.
(4) By amnesty.
(5) By rehabilitation in conformity with law.
(6) By renunciation before competent authority of acquired foreign nationality.

Article 23. Suffrage cannot be waived and is obligatory on all citizens.

Article 24. The suffrage shall be direct and secret. Elections shall be held in the manner prescribed by law which shall give proportional representation to minorities.

Article 25. Only citizens above twenty-one years of age in the exercise of their civil right are eligible to office.

LAW NO. 31, OF FEBRUARY 4, 1926[1]

[Translation]

Chapter I.—Foreigners

Article 1. The following are foreigners:

(1) Those not born in the territory of the republic and who have not been naturalized therein;

(2) Children of a Honduran father or mother born abroad, who within one year after having reached their majority have not opted for Honduran nationality. The provisions of this article may be modified by treaty;

(3) Citizens of the other republics of Central America who express their intention of retaining their nationality before the chief departmental political authority;

(4) Spaniards and Spanish-Americans who, having completed one year of residence in Honduras, have not expressed their desire to the authority mentioned of becoming naturalized in the country;

(5) Citizens or subjects of other nationalities who, having resided in Honduras two or more years, have not expressed their desire of becoming naturalized in the country;

(6) Hondurans who become naturalized in another country and transfer their place of residence thereto;

(7) Those who serve officially under foreign governments in a military or political character without the proper authorization; and

(8) The sons of foreigners, born in Honduras, who in conformity with treaties preserve the nationality of their parents.

Article 2. For the purpose of determining the place of birth in cases arising under Article 8, national vessels are declared to be part of the territory of Honduras.

Article 3. The nationality of legally incorporated bodies is regulated by the law authorizing their formation. Consequently, all those which are constituted in Honduras in accordance with the laws of the republic shall be Honduran, provided that they have their legal domicile therein.

Article 4. Foreign legally incorporated bodies enjoy the rights granted to them by the laws of the country wherein they are domiciled, provided

[1] Text from *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, p. 31.

that these are not contrary to the laws of Honduras and that they have been recognized by the Executive Power.

Chapter II.—Expatriation

Article 5. In like manner as Hondurans can expatriate themselves by becoming naturalized in another country, by virtue of their individual autonomy, so also foreigners can acquire Honduran nationality in conformity with the laws of the republic.

Article 6. Such expatriation and naturalization obtained in a foreign country do not exempt a criminal from extradition, trial and punishment to which he is subject in accordance with treaties, international agreements and the laws of the state.

Article 7. No Honduran can divest himself of the duties imposed upon him by the Constitution and the laws so long as he is domiciled in the republic, even should he have acquired a foreign nationality.

Article 8. Naturalized citizens of Honduras, even though they may be abroad, have a right to the same protection as that granted to Hondurans by birth, both with respect to their persons and their property.

Article 9. The Executive Power, in order to protect Hondurans residing abroad, will make use of such proceedings or means as may be established by treaty, and failing these will proceed in accordance with international law.

Chapter III.—Naturalization

Article 10. Spaniards and Spanish-Americans who have resided at least one year in the country and express their desire to be naturalized therein shall do so before the Political Governor of the department in which they reside. And this official, after examination of the certificate of registration and other proofs presented by the applicant as to the period of residence and well-known good conduct, shall declare him to be naturalized in this country, and grant a certificate to that effect, if such should be requested.

Article 11. A similar procedure shall be followed in respect of other foreigners who, having resided at least two years in the country, express their desire of becoming naturalized therein.

In this case and in that of the preceding article, the respective Political Governors shall report to the Ministry of Foreign Affairs, through the Department of Government, with the declarations in question, in order that the change of nationality may be noted in the Register of Foreigners.

Article 12. Even without fulfilling the requirement as to residence, foreigners may acquire Honduran citizenship by means of a letter of naturalization obtained from the Executive Power.

Article 13. A foreigner who desires to become naturalized must apply, in writing, personally or by means of a representative specially empowered by him, stating that he renounces all submission, obedience and fealty to

any other government and especially to the government of the country of which he has been a citizen, and he must also renounce all protection foreign to the laws and authorities of Honduras, and all rights which treaty and international law may grant to foreigners and he must besides make a declaration of adhesion and obedience to the laws and authorities.

Article 14. Letters of naturalization will not be granted to subjects and citizens of a nation between which and the republic a state of war exists.

Article 15. Neither will they be granted to those who are reputed and judicially declared in other countries to be pirates, traffickers in slaves, incendiaries, coiners or forgers of banknotes or other documents representative of money, public or commercial securities, assassins, parricides, violators, kidnappers and thieves.

Papers of nationality obtained fraudulently by foreigners in violation of the law are *ipso facto* null and void.

Article 16. Papers or certificates of naturalization will be issued on the corresponding stamped paper, no dues being chargeable therefor under any pretext.

Article 17. The naturalization of a foreigner in Honduras takes effect from the day following that on which he has fulfilled the requirements of the law in order to obtain it.

Natural or acquired rights obtained in the country of his origin will be governed by the laws of that country, but future rights will be governed by the laws of Honduras.

. . . . .

Article 51. This law shall come into force on May 1 of the current year, from which date the law of February 8, 1906, is abrogated.

HUNGARY

EDITORS' NOTE. Hungary promulgated a special law to regulate nationality in 1879.[1] This is the law which is still in force.[2]

BIBLIOGRAPHY: Bidermann, "La loi hongroise sur les nationalités, dans ses rapports avec le passé et le présent de la Hongrie," *Rev. de dr. int. et de lég. comp.* (1869) 513; id. (1870) 20; Lehr, 116.

For the text of the law of December 20–24, 1879, in German, see Cahn, 556; Hamburg Polizeibehörde, *Gesetze über die Staatsangehörigkeit* (1898) 337; Keller-Trautmann, 742; A. Kramer, *Die Staatsangehörigkeit der Altösterreicher und Ungarn nach den Friedensverträgen* (Vienna, 1926) 191; in French, see *Ann. de lég. étr.* (1880) 351; 70 *Br. and For. St. Papers*, 632; Clunet (1916) 729; Cogordan, 488. For comment, see Magnus, 126.

LAW OF DECEMBER 20, 1879[3]

CONCERNING THE ACQUISITION AND LOSS OF HUNGARIAN CITIZENSHIP

[TRANSLATION]

Article 1. Citizenship is the same and identical in all territories of the Hungarian crown.

Article 2. *Concerning the acquisition of citizenship.* Hungarian citizenship may be acquired only through: (1) descent, (2) legitimation, (3) marriage, (4) naturalization.

Article 3. *Descent.* Hungarian citizenship is acquired through descent by legitimate children of Hungarian citizens and by illegitimate children of Hungarian women, in both cases even if the place of birth is abroad.

Article 4. *Legitimation.* Citizenship is acquired by a Hungarian citizen's illegitimate children borne by an alien woman through legitimation.

Article 5. *Marriage.* Alien women marrying Hungarian citizens thereby acquire Hungarian citizenship.

Article 6. *Naturalization.* Citizenship through naturalizaton may be acquired by aliens receiving naturalization papers from one of the authorities enumerated in Article 11, or upon receiving a naturalization certificate from His Majesty as per Article 17, by taking the oath or declaration of fidelity.

Article 7. Citizenship acquired by a man through naturalization includes his wife and minor children.

Article 8. Naturalization papers may be given only to persons who

(1) are legally competent, or, if not, produce the approval of a legally authorized representative,

[1] On nationality in the dual monarchy, see Zeballos, I, 287.
[2] See also Austria, Editors' Note, ante, p. 14.
[3] Text from enclosure with Despatch No. 554, January 20, 1925, from the American Minister to Hungary to the Secretary of State.

(2) are listed as residents of a Hungarian municipality or village or who expect to be so listed,
(3) have resided for five years uninterruptedly in Hungary,
(4) are of good character,
(5) possess sufficient incomes or who are capable of supporting themselves and their families according to the standards of living of their place of residence,
(6) have been listed as taxpayers for five years. In case of naturalization by adoption, the provisions of clauses 3, 5, and 6 may be waived, provided, however, that the adopter qualifies as to clauses 5 and 6.

Article 9. The petition for naturalization with all necessary papers shall be filed with the Vice Prefect or Mayor of the district of residence, or, in the frontier districts, with the County Prefects or Town Councils.

Article 10. The authority specified in Article 9 shall examine the petition and, if the contents and form of the documents submitted appear to be doubtful, shall ask for information from the authorities, and shall submit the petition with his recommendation to the Minister of the Interior, to the Ban of Croatia-Slavonia or to the frontier-district authorities, respectively.

Article 11. In cases of naturalization referred to in Articles 8, 9 and 10, the Minister of the Interior shall decide the cases of those who reside in Hungary or the territory of Fiume, and the authority of the frontier district of the Ban of Croatia-Slavonia the cases of those who reside in Croatia, Slavonia or in the frontier districts, and if the petition is accepted, naturalization papers shall be issued by these authorities. In each case, however, the Prime Minister shall be informed of the naturalization papers issued by them.

Article 12. The naturalization papers must clearly state that the applicant has acquired Hungarian citizenship and, in the case of Article 7, must include the name of his wife and children, to whom the naturalization extends.

Article 13. Naturalization papers shall be sent to the authority who submitted the petition, which authority in turn shall advise the petitioner and designate the date on which the oath shall be taken. The oath shall be taken before the first officer of the municipality, or, in the frontier district, before the Chief of the district or the Mayor or their assistants.

Article 14. The words of the oath of allegiance are as follows: "I, . . . , swear (solemnly declare) that I will be faithful to His Imperial and Royal Majesty, the Apostolic King of Hungary, and to the Constitution of Hungary and solemnly declare that I will duly perform the duties of citizenship."

Article 15. A protocol shall be drawn up of the taking of the oath (declaration) and the same shall be signed by the declarant. The date of the taking of the oath shall be recorded on the naturalization certificate which shall also bear the signature of the authority before whom the oath of alle-

giance was taken. The naturalized citizen shall receive thereupon his naturalization certificate.

From this date the naturalized person is a Hungarian citizen; he may not, however, become a member of Parliament, except as provided in Article 17, before the expiration of ten years.

Article 16. If a person for whom a naturalization certificate has been issued and who has been notified of the date upon which he is to take the oath of allegiance does not appear before the authorities and does not take the oath of allegiance within one year, the certificate will lose its validity and will be returned to the authority issuing it; and it will be accompanied by a document stating that the invitation to appear has been sent in due time to the person interested.

Article 17. The Cabinet may recommend to His Majesty the naturalization of such aliens, including those not qualifying under clauses 2, 3 and 6 of Article 8, as have rendered exceptional services to Hungary and who reside in Hungary or have declared their intention of residing there permanently. If a person so naturalized has not applied to any Hungarian municipality for registry as a resident, Budapest shall be considered the place of registry.

The provisions of Articles 12, 13, 14, 15 and 16 shall be applied to persons naturalized through a royal certificate.

Article 18. A naturalized foreigner does not acquire nobility through naturalization.

Article 19. Unless foreign citizenship has been proved, Hungarian citizens are those who

(1) were born in the territory of the Hungarian crown, and
(2) are foundlings found in Hungarian territory and educated there.

Article 20. *Loss of Hungarian Citizenship.* Hungarian citizenship is lost through: (1) release, (2) official decree, (3) absence, (4) legitimation, and (5) marriage.

Article 21. *Release.* In time of peace the final decision concerning release from citizenship rests with the Minister of the Interior, the Ban of Croatia-Slavonia or with the frontier-district authority, according to the place of residence. The decree of release, if the petition for release is accepted, shall state that the person has been released from Hungarian citizenship. The Prime Minister shall be advised of the granting of a release.

Article 22. Persons under military obligation may be released from citizenship only if released from military service by the Imperial and Royal Minister of War or by the Minister of Defense.

Persons not under military obligation, but not definitively released from military service and more than seventeen years of age may be released from Hungarian citizenship only upon the presentation of a certificate made out

by the municipality as proof that their release from citizenship is not requested for the purpose of evading military service.

Article 23. The promise of Austrian citizenship constitutes an exception to the provisions of Article 22, by virtue of the principle of reciprocity.

If such persons comply with the provisions of clauses 1, 2, and 3 of Article 24, they shall be released from Hungarian citizenship, but the Imperial and Royal Austrian Government shall be advised of the action taken.

Article 24. In time of peace the request for release from Hungarian citizenship may not be refused, except in the cases provided for in Article 22, if the petitioner

(1) is legally competent or if such request for release is approved by the parents or guardians,
(2) does not owe state or municipal taxes,
(3) is not the object of a criminal investigation or is not subject to any unserved criminal sentence.

Article 25. In time of war the decision in cases of release rests with the Ministry of War or with His Majesty, on the proposal of the Ministry.

Article 26. Release from citizenship includes the legitimate wife and, if there are no exceptions falling under the provisions of Article 22, the legitimate minor children under paternal authority of the person released, provided that they follow him abroad.

Article 27. Applications for release from Hungarian citizenship shall be filed with the first official (Mayor, Vice Prefect) of the district of residence. These authorities, as well as those named in Article 10, are authorized to take such action, reporting same to the higher authorities.

Article 28. The release certificate shall clearly state that the person named has been released from Hungarian citizenship and shall also state the names of the wife and of such children as are included in the release.

Article 29. From the day of delivery of the release certificate the person named therein loses his citizenship.

A release becomes null and void if during the period between the issue of a release certificate and the day of departure from Hungary, the provisions of clauses 2 and 3 of Article 24 become applicable, or if the person released has not departed from the country within one year from the delivery of his certificate.

Article 30. The authorities specified in Article 11 are authorized to proclaim the loss of citizenship of those Hungarian citizens who, without their permission, entered the service of some other state and if such persons do not leave their service at the order of the Hungarian authorities. Orders issued under the provisions of this article shall be brought to the knowledge of the Prime Minister.

Article 31. *Absence.* Hungarian citizens, being absent uninterruptedly from the territory of Hungary for more than ten years without the authori-

zation of a Hungarian Cabinet Minister or of an Austro-Hungarian Minister, shall lose their citizenship.

The period of absence shall be counted from the day on which the person in question leaves the country without notifying the authorities as specified in Article 9 of his intention to retain his citizenship, or if the person left the country with a passport, the period of absence shall be counted from the expiration of his passport.

The continuity of absence is broken if the absentee notifies the proper authorities of his intention to maintain his Hungarian citizenship, or if a new passport has been secured, or in lieu of it a permit of stay has been granted by an Austro-Hungarian Consul, or if the absentee has been registered in a Consulate abroad.

Article 32. Loss of citizenship through absence includes the wife and minor legitimate children under paternal authority who live with the absentee.

Article 33. *Legitimation.* Children who are legitimized by an alien father according to the laws of a foreign country lose their Hungarian citizenship, unless they do not acquire thereby their father's citizenship and if after the legitimation they continue to reside in Hungary.

Article 34. *Marriage.* A woman marrying an alien shall lose her Hungarian citizenship.

Article 35. Hungarian citizenship shall not be lost by a foreign-born woman, the wife of a Hungarian citizen, after her husband's death, or if legally divorced.

Article 36. A Hungarian citizen being at the same time a citizen of another country shall be recognized as a Hungarian citizen until his Hungarian citizenship is lost according to this law.

Article 37. *Resumption of Hungarian citizenship.* Women married to aliens shall resume their Hungarian citizenship if the marriage has been annulled by the proper authorities.

Article 38. *Recovery of citizenship.* Persons who have lost their Hungarian citizenship and who apply for naturalization shall be naturalized according to the rules of naturalization given above, unless the following articles rule otherwise.

Article 39. A person who has lost his Hungarian citizenship through release or absence and has not acquired a foreign nationality, may be reinstated into Hungarian citizenship even if he does not return to reside in Hungary. In the latter case, his legal domicile is fixed in the community where he was last domiciled prior to the loss of Hungarian citizenship.

Article 40. If a person who has lost his citizenship through release or absence returns to Hungary, and if such person has been registered as a resident member of a municipality or has received a promise to be so registered, the person shall be reinstated into Hungarian citizenship through an application.

Article 41. A woman who has lost her citizenship through the release or absence of her husband, or who has lost her citizenship through marriage, shall on her petition be reinstated into Hungarian citizenship, if judicially separated, legally divorced from her husband or upon the death of her husband, or if she has obtained city rights (or the promise of city rights) in a community of the country.

Article 42. A person who has lost his Hungarian citizenship during his minority through the release or absence of his legitimate father shall be reinstated into Hungarian citizenship after his father's death or on reaching his majority, if he has obtained city rights (or a promise of city rights) and if the reinstatement is applied for. Minors must have the consent of their guardians.

Article 43. The application for reinstatement shall be filed in accordance with the provisions of Articles 38, 39, 40, 41, and 42 with the authorities of the district or municipality of residence, as stated in Article 9.

Article 44. Article 15 stipulating that naturalized citizens may not become members of parliament for ten years following their naturalization shall not apply to those reinstated to citizenship, unless the person was originally naturalized and unless the period of ten years has not elapsed since his naturalization.

Article 45. The municipalities and the authorities of the frontier districts shall keep a record in duplicate first, of the acquisition of nationality, and second, of the loss of nationality by release.

I. The naturalization record shall show:

(1) the numerical order from January 1 of each current year,
(2) the name, age and occupation of the citizens naturalized, or who have recovered nationality after having lost it,
(3) the previous country of the individual in question and the community in which he was domiciled,
(4) the names and ages of such members of his family as are included in the naturalization,
(5) the number and date of the naturalization certificate,
(6) a note specifying the reasons for the loss of Hungarian citizenship for those who have been reinstated into citizenship.

II. The record of releases will show analogous columns except column 6, which will show in what way the released person had previously acquired the quality of Hungarian citizen. The duplicate copies of these records shall be sent at the end of each year to the authorities as specified in Articles 11 and 12.

Article 46. With the exception of fees to be paid for release and naturalization, no other fees shall be collected.

Article 47. Any contrary regulations contained in treaties concluded with other states shall constitute exceptions to this law.

Article 48. The present law cancels the validity of all previous laws and decrees which contain contrary regulations, but it does not affect citizenships acquired before the promulgation of this law. Such persons as can prove an uninterrupted residence of five years in Hungary and who are registered as taxpayers shall be considered as Hungarian citizens unless claiming foreign citizenship.

The absence of ten years specified in Article 31 for persons who left Hungary previous to this law shall be counted from the day of promulgation of this law.

Article 49. The provisions concerning the frontier districts of Croatia-Slavonia and the other frontier districts are only temporary regulations and shall be in force only until these districts are placed under the administration of Croatia-Slavonia.

Article 50. The Cabinet, the Minister of the Interior, the Ban of Croatia-Slavonia and the frontier district authorities, respectively, shall be the executive authorities for this law.

ICELAND

LAW OF OCTOBER 6, 1919[1]

CONCERNING THE ACQUISITION AND LOSS OF NATIONALITY

[TRANSLATION]

Article 1.[1] A child born in wedlock is an Icelandic subject if the father is one, and an illegitimate child is an Icelandic subject if the mother is Icelandic.

Article 2.[1] Persons born in Iceland without possessing Icelandic nationality in accordance with Article 1, become Icelandic subjects whether they are born before or after this law comes into force if they have continuously resided in Iceland up to their nineteenth year, but not, however, if during the last year the person in question has submitted a written declaration to the Chief of Police to the effect that he does not wish to acquire Icelandic nationality, and has also proved by a legal certificate that he is a national of another country. Such declarations made by descendants of the person in question are, however, of no effect.

Article 3.[1] A married woman acquires the nationality of her husband. This also applies to minor children whom they may have had together before their marriage.

Article 4.[1] Nationality can be conferred by law. In this case a man's wife and their children are treated according to Article 3 and a woman's illegitimate children according to Article 1, unless the law provides otherwise.

Article 5.[1] Icelandic nationality is lost by a person who becomes the national of another country, and also by that man's wife and their children born in wedlock who are minors, unless they have and retain their home in Iceland. A man's wife and children always retain their Icelandic nationality if they are not included in the nationality which he may have acquired in any other place.

A person who wishes to become a foreign national may be released by royal decree from his nationality in Iceland, on condition that he acquires the nationality of another country within a certain time.

Article 6.[1] A married woman loses her Icelandic nationality when her husband is not an Icelandic subject. This also applies to children whom they may have had together before their marriage and who at that time were minors.

Article 7.[1] When any change occurs, on account of marriage, in the national status of a woman resident in Iceland, no change is made regarding the nationality of such children as she may have by others than her husband.

[1] Text from *Br. Parl. Papers*, Misc. No. 7 (1928), Cmd. 3221, p. 20. Articles 1 to 8 were repealed by the law of June 15, 1926, post, p. 346.

Article 8.[1] A child whose national status is unknown is considered as being an Icelandic subject until it is proved otherwise.

Article 9. All persons who were permanently domiciled in Iceland on December 1, 1918, are Icelandic subjects, with the following exceptions:

(1) Nationals of countries other than Denmark and Iceland who were permanently domiciled in Iceland on December 1, 1918, retain their nationality.

(2) Persons who were not in possession of nationality in any country on December 1, 1918.

(3) Danish subjects, who are permanently domiciled in Iceland on December 1, 1918, and who would not have become Icelandic subjects according to the provisions of this law, had it been in force previous to December 1, 1918, retain their Danish nationality. They have, however, the right to elect Icelandic nationality if they submit a written declaration upon the subject to the Chief of Police not later than December 31, 1921. This declaration includes the husband, his wife, if living with him, and his minor children born in wedlock; for an unmarried woman the declaration includes her illegitimate minor children.

A Dane, who shall have been resident in the country on December 1, 1918, either as a patient in a hospital, as a student, as a prisoner or as a recipient of poor relief, cannot be considered to be resident in Iceland within the meaning of this paragraph, unless such sojourn is in continuation of a previous residence in Iceland.

Article 10. When a man acquires Icelandic nationality according to Article 9 *in initio*, this also applies to his wife, if living with him, wherever she may have been resident on December 1, 1918. This also applies to legitimate minor children not of age should the father become an Icelandic subject, and to illegitimate minor children should their mother become an Icelandic subject.

Article 11. Persons who were permanently domiciled within the dominions of the King of Denmark on December 1, 1918, and would have been Icelandic subjects according to the provisions of this law had it been in force before December 1, 1918, become Icelandic subjects, but have the right to elect Danish nationality, provided they submit a written declaration regarding this matter to the Chief of Police not later than December 31, 1921. A declaration to this effect includes persons mentioned in sentence 2, paragraph 1, number 3 of Article 9.

Persons who were permanently domiciled outside Iceland and the dominions of the King of Denmark on December 1, 1918, and who, according to the provisions of this law, would have been Icelandic subjects, if this law had been in force before December 1, 1918, become nationals of Iceland together with their wives and children, as stated in Article 10.

[1] Repealed by the law of June 15, 1926, post.

Article 12. Disputes as to whether a person fulfils the requirements for becoming an Icelandic subject according to Articles 9–11 shall be settled by the Minister of Justice. This settlement can be brought before the courts.

Article 13. This law is valid from December 1, 1918.

LAW OF JUNE 15, 1926[1]

CONCERNING THE ACQUISITION AND LOSS OF CITIZENSHIP

[TRANSLATION]

Article 1. A child born in wedlock acquires Icelandic citizenship at birth provided that the father is an Icelandic citizen, and an illegitimate child becomes an Icelandic citizen, provided that the mother is one.

A child whose citizenship is unknown is considered an Icelandic citizen until it is proved otherwise.

Article 2. A man or an unmarried woman, who is born in Iceland, without, however, possessing Icelandic citizenship, and who has been legally resident here until the completion of his or her nineteenth year, receives Icelandic citizenship, whether born before or after the coming into force of this law, provided the person in question has not during the last year submitted a written declaration to the Chief of Police to the effect that he or she does not desire to acquire Icelandic citizenship, and at the same time has proved his or her right of citizenship in another country by a legal certificate. Should the father of the person in question, or in the case of an illegitimate child, the mother, have reserved the right to foreign citizenship in this manner, such a declaration is not valid.

Should a man acquire Icelandic citizenship according to this article, his wife, and children born in wedlock, acquire the same citizenship. In the same way, illegitimate children take their mother's citizenship.

Article 3. Should an Icelandic citizen marry a woman who is of foreign citizenship, she acquires the same citizenship as her husband. This also applies to children whom they may have had together before marriage, provided they are minors and unmarried.

Article 4. Icelandic citizenship can be conferred by law in accordance with the provisions of the constitutional law.

Should a man acquire Icelandic citizenship according to the above paragraph, his wife and their minor unmarried children acquire the same citizenship, unless the law provides otherwise. Illegitimate children who are unmarried and minors take their mother's citizenship.

Article 5. Icelandic citizenship is lost by a person who becomes the citizen of another country. A person who is an Icelandic citizen by birth retains this citizenship until he leaves the country.

[1] Text from *Br. Parl. Papers*, Misc. No. 7 (1928), Cmd. 3221, p. 22.

Article 6. Icelandic men and unmarried Icelandic women, who are born abroad and have never been resident in Iceland, lose their Icelandic citizenship on the completion of their twenty-second year. The person in question can, however, retain his or her Icelandic citizenship by royal decree.

A person who has lived in this country for the purpose of education or for other reasons which indicate that he desires to become an Icelandic citizen, is regarded in this connection as having resided in Iceland.

When a man loses Icelandic citizenship according to this article, this also applies to his wife and legitimate children. The same applies to illegitimate children if the person in question is a woman.

Article 7. The King can release a person who has become or wishes to become a foreign citizen from his obligations as an Icelandic citizen if the person in question, should he not already have become a foreign citizen, proves that he will become one within a certain time.

Article 8. A woman who before the coming into force of this law married a foreign citizen and thereby lost her Icelandic citizenship, shall, if she applies to the Ministry, obtain it again, provided that she was in Iceland since her marriage. On the other hand, she loses her Icelandic citizenship if she leaves Iceland.

Only those persons who complete their twenty-second year within three years after the coming into force of this law lose their right of citizenship according to Article 6 of this law.

The provisions of this law are brought into force when the circumstances which cause the acquisition or loss of Icelandic citizenship arise after the coming into force of this law, unless the law provides otherwise.

Article 9. Articles 1–8 of Law No. 21 of October 6, 1919, concerning the acquisition and loss of citizenship are hereby repealed.

IRAQ

EDITORS' NOTE. Prior to August 1924, the Ottoman law governed nationality in Iraq.[1] The "Iraq Nationality Law," as it is officially called, of October 9, 1924 was the first attempt of Iraq to lay down a law of nationality. This law was amended by "The Iraq Nationality Amendment Law, 1925" of February 25, 1925. The execution of the Iraq Nationality Law, 1924 (amended), was provided for in the "Regulations under the Iraq Nationality Law, 1924." The "Ordinance for the amendment of the Iraq Nationality Law, 1924," No. 81, of October 28, 1926 amended Articles 4 to 7 of the Iraq Nationality Law. Paragraph 2 of section 6 of the regulations under the Iraq Nationality Law, 1924, was amended by the notifications of the Ministry of Interior of November 2, 1926. The provisions of Article 8 of the Iraq Nationality Law were interpreted by the notifications of the Ministry of Interior of April 9, 1927. The Iraq Nationality Law of 1924 was also amended by the "Iraq Nationality Law Amendment Law No. 3 of 1928."

BIBLIOGRAPHY: Bentwich, "Nationality in Mandated Territories Detached from Turkey," *British Year Book of Int. Law* (1926) 97.

For the text of the nationality law as amended by the law of 1925, in English, see *Br. Parl. Papers*, Misc. No. 7 (1928), Cmd. 3221, p. 24; of the Amendment No. 3 of 1928, in English, id. 27.

LAW OF OCTOBER 9, 1924[2]

Article 1. This Law shall be called "The Iraq Nationality Law".

It prescribes the conditions under which Iraq nationality may be acquired and lost.

PRELIMINARY—DEFINITIONS

Article 2. In this law the following expressions shall have the following meanings:

(1) "Iraq National" means a person possessing Iraq nationality either by birth, naturalisation or otherwise.
(2) "Alien" is any person other than an Iraq national.
(3) "Disability" means the status of being a married woman, or a minor, lunatic or idiot.
(4) The age of majority shall be taken to be eighteen years calculated according to the Solar calendar in the case of Iraquis, and shall be determined, in the case of aliens, by the laws of the State of which they are nationals.
(5) The term "habitually resident in Iraq" shall be deemed to include every person who has had his usual place of residence in Iraq since the twenty-third day of August, 1921.

Throughout the law the masculine shall include the feminine where there is nothing repugnant thereto in the context.

[1] Bentwich, "Nationality in Mandated Territories Detached from Turkey," *British Year Book of International Law* (1926) 97.

[2] Text from enclosure with Despatch No. 191, November 14, 1924, from the American Consul at Baghdad to the Secretary of State. This law has been amended by the law of February 25, 1925, post, p. 351, and by the ordinance of October 28, 1926, post, p. 358.

Part I.—Iraq Nationality

Article 3. All persons who on the 6th day of August, 1924 were Ottoman subjects and were habitually resident in Iraq are hereby declared to have ceased to be Ottoman subjects and to have acquired Iraq nationality on that date.

Article 4. Any person who has become an Iraq national by virtue of Article 3 hereof and who has attained his majority on or before the 6th day of August, 1926, may on or before the said 6th day of August, 1926, by written declaration to be made as hereinafter provided, state his option for Turkish nationality. Provided that such person shall not for the purposes of this law be deemed to have ceased to be an Iraq national unless and until he has obtained a certificate from such officer as may be prescribed by regulation under this law, that he has transferred his place of residence from Iraq in accordance with the provisions of Article 6 hereof.

Article 5. Any person who has attained his majority and who by virtue of Article 3 becomes an Iraq national and differs in race from the majority of the population of Iraq may in manner prescribed in Article 4 hereof opt for the nationality of one of the States in which the majority of the population is of the same race as the person exercising the right to opt, subject to the consent of that State.

Article 6. Any person who has exercised the right to opt in accordance with Article 4 or 5 shall be bound to transfer his place of residence from Iraq within twelve months from the date of option and shall thereupon cease to be an Iraq national. He shall be entitled to remove from Iraq free of export duty all movable property owned by him in Iraq, and to retain all immovables owned by him herein.

Article 7. Any Ottoman subject who has obtained his majority and who, although not habitually resident in Iraq, is a native of Iraq, may on or before the 6th day of August, 1926, by written declaration as hereinafter provided opt for Iraq nationality, and he shall thereupon with the consent of the Iraq Government acquire Iraq nationality, provided that where necessary an agreement on the subject has been concluded between the Iraq Government and the Government of the country where the person is resident.

Article 8. The following persons shall be deemed to be Iraq nationals:

(a) Any person wherever born, whose father was at the time of that person's birth an Iraq national, and was either born in Iraq or obtained his Iraq nationality by naturalisation or by virtue of Articles 3, 4, or 5 hereof,

(b) Any person born in Iraq who has attained his majority and whose father was born in Iraq and was at the time of that person's birth ordinarily resident in Iraq.

Article 9. Any person born in Iraq whose father is an alien may within one year after attaining his majority, state by declaration as hereinafter pro-

vided his desire to become an Iraq national and he shall thereupon be deemed to be an Iraq national. Provided that the declarant while resident in any country other than Iraq has not acquired any foreign nationality and that there is no provision in the law of the country where he has resided, which prevents him from making such a declaration.

Part II.—Naturalisation

Article 10. Any person not under disability who fulfills the following conditions may apply as hereinafter provided for the grant of a certificate of naturalisation as an Iraq national:

(i) that he has had his usual place of residence in Iraq after attaining his majority for the three years immediately preceding his application.
(ii) that he is of good character.
(iii) that he intends to reside in Iraq.

Article 11. The Minister of Interior shall have absolute discretion to grant or refuse an application for a certificate of naturalization as he thinks most conducive to the public good and no appeal shall lie from his decision.

The Minister of Interior may, if he considers that special circumstances render it desirable, dispense with the condition of three years' previous residence.

Article 12. Subject to the provisions of this law a person to whom a certificate of naturalisation has been granted shall be deemed to be an Iraq national for all purposes.

Part III.—Loss of Iraq Nationality

Article 13. An Iraq national who becomes voluntarily naturalised in any foreign State shall thereupon cease to be an Iraq national, but his new nationality shall not be recognized in Iraq unless the Iraq Government shall have granted an authorization in this behalf, and if at any time thereafter he shall return to Iraq, the Iraq Government shall have the right to regard him as an Iraq national or to expel him from Iraq.

Article 14. Any person who has become an Iraq national in pursuance of Article 8 of this Law may within one year of attaining his majority by declaration made in the form hereinafter provided, renounce his Iraq nationality and shall thereupon cease to be an Iraq national.

Article 15. If an Iraq national shall enter the civil or military service of a foreign State and shall not give up such service, if called upon to do so by the Iraq Government, the Minister of Interior may by notice in the Official Gazette declare that such person has lost his Iraq nationality.

Article 16. An Iraq national who loses his Iraq nationality shall not thereby be discharged from any obligation arising from any act done by him before he ceased to be an Iraq national.

PART IV.—NATIONAL STATUS OF MARRIED WOMEN AND MINOR CHILDREN

Article 17. The wife of an Iraq national shall be deemed to be an Iraq national and subject to the provisions of Article 19 hereof; the wife of an alien shall be deemed to be an alien.

(i) Provided that a woman who has acquired Iraq nationality by marriage may within three years after the death of her husband or dissolution of the marriage renounce her Iraq nationality by declaration made in the form hereinafter provided and shall hereupon cease to be an Iraq national.

(ii) Provided also that a woman who has lost Iraq nationality by marriage, may resume it by declaration made in the form hereinafter provided within three years from the death of her husband or the dissolution of her marriage.

Article 18. (1) If an alien acquires Iraq nationality his minor children shall thereupon become Iraq nationals.

(2) If an Iraq national ceases to be an Iraq national his minor children shall thereupon cease to be Iraq nationals. Provided that a minor child who has ceased to be an Iraq national under the provisions of this paragraph may within two years after attaining his majority, resume Iraq nationality by declaration made in the form hereinafter provided.

Article 19. If a widow or divorced woman who is an alien, marry an Iraq national, her children born before she became an Iraq national shall not by reason only of such marriage acquire Iraq nationality.

Article 20. The Minister of Interior may propose regulations for carrying into effect the objects of this law generally, and in particular for levying fees in respect of declarations and documents under this law, and may issue instructions with respect to the following matters:

(a) The form and registration of certificates of naturalisation.

(b) The form and registration of declarations of option for Turkish nationality and declarations of acquisition, resumption, retention and renunciation of Iraq nationality.

Article 21. This Law shall be deemed to be in force from the 6th day of August, 1924.

Article 22. The Ministers of Interior and Justice are charged with the execution of this Law.

LAW OF FEBRUARY 25, 1925[1]

Article 1. This Law shall be called "The Iraq Nationality Amendment Law, 1925."

Article 2. Article 13 of the Iraq Nationality Law, 1924, is deleted and the following substituted:

[1] Text from the *Iraq Government Gazette*, April 15, 1925.

Article 13. An Iraq national who becomes voluntarily naturalised in any foreign State, shall thereupon cease to be an Iraq national. Provided that if he shall at any time thereafter have his usual place of residence in Iraq for the period of one year he shall, if he continues to reside in Iraq, be regarded while in Iraq as an Iraq national.

Article 3. Article 14 is amended by the insertion of the following words after the words "his majority": "or if he shall have reached his majority on or before the 6th August, 1925, then before the 6th August, 1926."

Article 4. In Article 17 of the said Law the words "subject to the provisions of Article 19 hereof" are deleted.

Article 5. In Article 19 the words "before she became an Iraq national" are deleted and the words "before the said marriage" substituted.

Article 6. Article 20 is deleted and the following substituted:

The amount of fees to be paid in respect of any application, declaration or grant under this Law shall be prescribed, from time to time, by Royal Irada.

The Minister of Interior may by notification in the Official Gazette, make regulations generally for carrying into effect the objects of this Law, and in particular with respect to the following matters:

(a) the form and registration of certificates of naturalization.
(b) The form and registration of declarations of option under Articles 4 and 5 hereof, and declarations of acquisition, resumption, or renunciation of Iraq nationality.

Article 7. This Law shall come into force from the date of its publication in the Official Gazette.

Article 8. The Ministers of the Interior and Justice are charged with the execution of this law.

REGULATIONS OF OCTOBER 1, 1926[1]

1. In pursuance of the powers conferred on me by Article 20 of the Iraq Nationality Law, 1924 (Amended), I hereby issue the following regulations, to be styled the "Regulations under the Iraq Nationality Law, 1924," for the carrying into effect of the said law and more particularly with respect to:

(a) The form and registration of certificates of naturalisation.
(b) The forms and registration of the declarations of option under Articles 4 and 5 of the Iraq Nationality Law, 1924, and declarations of acquisition, resumption and renunciation of Iraq nationality.

2. The term Controller of Naturalisation referred to in these Regulations includes Deputy Controller. The Controller is the Director, Central

[1] Text from Annex to *Iraq Government Gazette*, No. 23 of 1926.

Criminal Investigation Department, Iraq Police, Baghdad; the Deputy Controller is the Officer-in-Charge Passport, Residence and Naturalisation Department, Central Criminal Investigation Department.

3. Any Ottoman subject who has had his usual place of residence in Iraq from 23rd August, 1921 to 5th August, 1924 is hereby declared to have acquired Iraq Nationality on 6th August, 1924, under Article 3 of the Iraq Nationality Law.

4. Any person who has acquired Iraq Nationality under Article 3 of the Iraq Nationality Law, 1924, and who is desirous of:

(a) Opting for Turkish nationality as provided for in Article 4 of the said Law, or
(b) Opting for the nationality of one of the States in which the majority of the population is of the same race as the person exercising the option as provided for in Article 5 of the said Law.

shall, on or before the 17th day of July, 1927, provided he has attained his majority, make a declaration to the Commandant of Police of the Liwa in which he resides who will forward the declaration with his remarks to the Controller of Naturalisation. Such declarations will be made on Form No. 1, attached to these Regulations. They shall be prepared in duplicate and registered by the Controller of Naturalisation. One copy will be delivered through the same channel to the person making the declaration for the purpose shown in Section 7 of these Regulations and one copy will be recorded by the Controller of Naturalisation. The fee for the declaration shall be Rs. 10.

5. In the case of persons opting under Articles 4 and 5 of the Iraq Nationality Law, the person making the declaration will be required to obtain and attach to the declaration a separate certificate by a competent authority of the State for the nationality of which he has opted to the effect that he will be accepted as a national of that State in accordance with its Laws. Should no representative of the State exist in Iraq the requisite certificate will be obtained by the Controller of Naturalisation through the usual channels.

A person resident in one of the States detached from Turkey cannot establish a right to opt for the nationality of another such State under this Article.

6. Under Article 6 of the Iraq Nationality Law, persons who have exercised the right of option under Articles 4 and 5 of the said Law are required to leave Iraq within one year from the date of option.

This period will commence with the date on which the application for declaration was presented and a declaration once made cannot be withdrawn without the express consent of the Minister of the Interior.[1]

[1] This paragraph was later amended to read: "This period will commence from the date of receipt of the consent of the government of the State for the nationality of which option has been made." *Iraq Government Gazette*, April 9, 1927.

7. Every person who leaves Iraq in accordance with Article 6 of the Nationality Law and Section 6 of these Regulations shall, on quitting Iraq, obtain an endorsement on the duplicate copy of his declaration from the Passport Authorities at the frontier by which he quits certifying that he has crossed the frontier. From that date he will cease to be an Iraq National.

8. Any person who has exercised his option under Articles 4 and 5 of the Nationality Law and who has quitted Iraq, who may subsequently desire to reacquire Iraq Nationality, will be required to comply with the provisions of Article 10 of the said Law, and Section 13 of these Regulations.

9. No person who has exercised the option under Articles 4 and 5 of the Nationality Law shall be permitted to return to Iraq except in accordance with the provisions of the Iraq Residence Law, 1923.

10. Any Ottoman subject who, having attained his majority and who, although he has not had his usual place of residence in Iraq between 23rd August, 1921, and 6th August, 1924, was born in Iraq, is desirous of opting for Iraq Nationality in accordance with the provisions of Article 7 of the Nationality Law shall, on or before the 17th day of July, 1927, as hereinafter laid down, make a declaration on Form No. 2.

(a) If residing abroad, before an Iraq or British Consular Officer or before a person authorised to act as such, or
(b) If residing in Iraq before the Commandant of Police of the Liwa, in which such person is residing.

In the case of (a), the declaration shall be forwarded to the Controller of Naturalisation together with the recommendations or remarks of the Consular Officer and an endorsement of the Government of the country in which the person opting resides conveying its consent, if such consent is necessary, in accordance with the Laws of that country.

In the case of (b) the Commandant of Police shall forward the declaration together with his recommendation to the Controller of Naturalisation.

The Controller of Naturalisation shall register the declaration.

The fee for the declaration shall be Rs. 5.

11. The Controller of Naturalisation has full powers to grant or refuse Iraq Nationality opted for under Article 7. Any person granted Iraq Nationality under Article 7 of the Nationality Law shall be provided with a "certificate of nationality" on Form No. 3 attached hereto which will be registered by the Controller of Naturalisation before issue and delivered to the declarant through the same channel.

A Certificate of Nationality shall be issued to any person who has acquired Iraq Nationality under Articles 7, 9, 17 (2) and 18 (2) of the Iraq Nationality Law. It may be issued to any person who has acquired Iraq Nationality under Articles 3, 8, 17 and 18 (1) of the Nationality Law upon making a declaration on Form No. 3 (a) attached to these Regulations.

The fee for the Certificate of Nationality shall be Rs. 5.

12. Any person born in Iraq of an alien father may, within one year of attaining his majority, under the provisions of Article 9 of the Nationality Law make a declaration of his desire for Iraq Nationality. Such declaration will be made on Form No. 4 attached to these Regulations.

(a) If the person is residing abroad, before an Iraq or British Consular Officer or before a person authorised to act as such, or
(b) If residing in Iraq before the Commandant of Police of the Liwa, in which such person is residing.

In the case of (a), the declaration shall be forwarded to the Controller of Naturalisation together with the recommendation or remarks of the Consular Officer and an endorsement of the Government of the country in which the declarant has resided that there is no provision in the Law of that country which prevents him from making the declaration for Iraq Nationality.

In the case of (b), the Commandant of Police shall transmit the declaration together with his remarks to the Controller of Naturalisation. The declarant will be required to obtain an endorsement from the representative of the State in which he has resided to the effect that there is no provision in the Law of that State which prevents him from making the declaration. In the event of there being no representative of the State in Iraq the Controller of Naturalisation will obtain this endorsement through the usual channels. The Controller of Naturalisation will then register the declaration and deliver a Certificate of Nationality to the declarant through the same channel.

The fee for the declaration shall be Rs. 10.

13. Any alien who fulfills the conditions laid down in Article 10 of the Nationality Law may apply for a Certificate of Naturalisation. The conditions laid down are:

(1) that he has had his usual place of residence in Iraq after attaining his majority for the three years immediately preceding his application.
(2) that he is of good character.
(3) that he intends to reside in Iraq.

Certificates of Naturalisation will not ordinarily be granted to:

(a) a person who has been convicted of a criminal offence and sentenced to a term of imprisonment exceeding one month within the five years immediately preceding his application.
(b) a person who has no adequate knowledge of the Arabic language or one of the languages of Iraq recognised by Law.
(c) is not a person whose belief, customs, habits and mode of life are such as to render him unable to become readily assimilated to Iraqis or to assume the duties and responsibilities of Iraq Nationals.

14. A declaration for a Certificate of Naturalisation shall be made to the Commandant of Police of the Liwa in which the applicant resides who will transmit it together with his remarks to the Controller of Naturalisation. It shall be made on Form No. 5 attached, and, together with the certificate of reference, shall be signed in the Commandant's presence.

The fee for the declaration shall be Rs. 10.

15. The Controller of Naturalisation, after scrutiny of the declaration and such enquiry as he may consider necessary and provided that the declarant has complied with the provisions of Section 13 of these Regulations shall forward the declaration together with his remarks and recommendations and a Certificate of Naturalisation on Form No. 6 to the Minister of the Interior.

If the Minister of the Interior considers the applicant to be a person to whom a Certificate of Nationality can properly be given he will sign it and return it, together with the declaration, to the Controller of Naturalisation.

Upon receipt of the signed Certificate of Nationality the Controller of Naturalisation will register it and transmit it to the Commandant of Police by whom the application was forwarded who will summon the applicant to appear before him to take the oath of allegiance to the throne of Iraq.

The applicant must appear before the Commandant of Police within a period of one month from the date of registration of the Certificate to take the oath of allegiance, failing which the declaration and certificate may be rejected.

The certificate shall not be delivered to the applicant unless and until he shall have taken the oath of allegiance and have signed the same on the reverse of the certificate upon the application, and paid the fees.

The form of oath shall be as follows:

> I ..... swear by Almighty God that I will be faithful and bear true allegiance to His Majesty the King of Iraq and his Heirs and Successors according to Law.

In the case of persons whose religious principles prevent them from taking an oath, the oath may be substituted by the following solemn affirmation or declaration:

> I ..... solemnly affirm and declare that I will be faithful and bear true allegiance to His Majesty the King of Iraq, his Heirs and Successors according to Law.

The Commandant of Police shall certify that the oath or solemn affirmation was administered and taken and the signature of the person making it made in his presence.

Applications for Naturalisation can be made only by persons actually residing in Iraq.

16. The fee for a Certificate of Naturalisation shall be Rs. 15.

17. Applications for Naturalisation shall not normally be considered before the 6th August, 1927 (except in special circumstances under Article 11 of the Law) as the three years' residence in Iraq count from the 6th August, 1924, the date of entry in force of the Law.

18. Any person born abroad of an Iraq parent or born in Iraq of an alien parent who was born in Iraq, and who has become an Iraq National under Article 8 of the Nationality Law and who desires to renounce his Iraq Nationality under Article 14 of the Nationality Law may, within one year of attaining his majority or if he shall have reached his majority on or before the 6th August, 1925, then before the 6th August, 1926, make a declaration on Form No. 7 attached, as set forth in Section 19.

19. Declarations under Sections 18, 20, 21 and 22 of these Regulations shall be made by a person:

(a) If residing abroad, before an Iraq or British Consular Officer or a person authorised to act as such.
(b) If residing in Iraq before the Commandant of Police of the Liwa in which such person is residing.

The declaration shall be forwarded to the Controller of Naturalisation together with such recommendations or remarks and documents as might be considered necessary.

The Controller of Naturalisation will scrutinize the documents and institute such enquiries as he considers necessary. If the result of his enquiries are satisfactory he shall register the declarations and forward the duplicate copy or a Certificate of Nationality (as the case may be) to the Consul (through the prescribed channel) or the Commandant of Police (direct) for transmission to the declarant who will thereupon cease to be an Iraq National or resume Iraq Nationality as the case may be.

Declarations under Sections 18 and 20 of these Regulations shall be made in duplicate.

20. An alien woman who has acquired Iraq Nationality by reason of her marriage to an Iraq National may, under Article 17 (i) of the Nationality Law, within three years of the death of her husband or of the dissolution of her marriage renounce her Iraq Nationality upon making a declaration on Form No. 8 as set forth in the preceding Section.

21. A woman who has lost her Iraq Nationality by reason of her marriage to an alien may, under Article 17 (ii) of the Nationality Law, within three years of the death of her husband or of the dissolution of her marriage, resume her Iraq Nationality upon making a declaration on Form No. 9 as set forth in Section 19 of these Regulations.

22. A person who lost Iraq Nationality when a minor by reason of renunciation of Iraq Nationality by his father may, within two years of attaining his majority, under the provisions of Article 18 (2) of the Na-

tionality Law, resume his Iraq Nationality upon making a declaration on Form No. 10 as set forth in Section 19 of these Regulations.

23. The fee for declarations under Sections 18, 20, 21 and 22 of these Regulations shall be Rs. 50, 20, 10, 10 respectively. No application under the provisions of these Regulations shall be considered until the payment of the fee is made. The photograph of applicants shall be attached to each document (and duplicate copy thereof) referred to in these Regulations. Provided that in the case of Moslem women no photograph need be attached.

In all cases the left thumb print of applicants shall be recorded upon each document.

24. Persons making false statements or declarations of any matter set forth in the Nationality Law or in the Regulations shall be liable to punishment under Chapter XVII of the Baghdad Penal Code. The Controller of Naturalisation may declare, by Notification in the *Official Gazette*, any document obtained by means of such statements to be null and void, and thereupon the document shall be returned to the Controller of Naturalisation through the usual channel and cancelled. Any fee paid shall not be refunded.

25. These Regulations shall come into force with effect from 1st October, 1926.

ORDINANCE OF OCTOBER 28, 1926[1]

In order to bring into effect the provisions of the Iraq-British-Turkish Agreement ratified on the 17th July, 1926; in accordance with para. 3 of Article 26 of the Organic Law; pursuant to the proposal of the Ministers of Interior and Justice and with the approval of the Council of Ministers, [we] do hereby order the enactment of the following Ordinance:

Article 1.—(A) This Ordinance shall be called "Ordinance for the Amendment of the Iraq Nationality Law, 1924," No. 81 of 1926.

(B) It shall come into force from the date of its publication in the Government Gazette.

Article 2. Article 4 of the Iraq Nationality Law shall be amended as follows:

A—The words "on or before the said 6th day of August 1926," shall be substituted by "on or before the 17th July, 1927."

B—The following shall be added to the end of the Article "and subject to the condition that the Turkish Government agrees to the change of Nationality."

Article 3. Articles 5 and 6 of the Law shall be altered in the light of the amendment of date mentioned in Article 2 (A) of this Ordinance.

[1] Text from *Iraq Government Gazette*, November 2, 1926.

Article 4. Article 7 of the Law shall be altered by the substitution of the words "the 17th day of July, 1927" for "the 6th day of August, 1926."

Article 5. The Ministers of Interior and Justice are charged with the execution of this Ordinance.

NOTIFICATION BY THE MINISTRY OF INTERIOR, 1927[1]

Certain misunderstandings exist as regards the Nationality of certain classes of persons who have become Iraq Nationals in accordance with the provisions of the Iraq Nationality Law.

It has, therefore, become necessary to explain the status of such persons.

All persons born in Iraq of alien parents also born in Iraq are, in accordance with the provisions of Article 8 of the Iraq Nationality Law, Iraq Nationals unless by the 6th August, 1926, or within one year of attaining their majority if that date was subsequent to 6th August, 1926, they had declared that they renounced that Nationality. In that case they lose their Iraq Nationality in accordance with the provisions of Article 14 of the said Law.

It is now proposed to permit those who should have filed their declarations before the 6th August, 1927, but failed, through ignorance of the Law, to do so, to file their declarations on or before 17th July, 1927.

Such declarations will be accepted provisionally only and will not be final unless approved by Parliament. They should be submitted to the Criminal Investigation Department, Baghdad, or in other Liwas to the Commandant of Police.

After 17th July, 1927, no declaration will be accepted except in the case of persons who file their declarations within one year after attaining their majority.

REGULATION OF JULY 3, 1927[2]

In accordance with para. 1 of Article 26 of the Organic Law and Article 20 (Amended) of the Iraq Nationality Law No. 43 of 1924, pursuant to the proposal of the Minister of Interior and with the concurrence of the Council of Ministers, [we] do hereby order the enactment of the following Regulation:

Article 1. This Regulation shall be called "Regulation for the Amendment of the Naturalization Taxes Regulation No. 10 of 1927."

Article 2. Article 2 of the Naturalization Taxes Regulation No. 7 of 1926, shall be amended as follows:

Form	Subject	Tax Rs.
7.	Declaration for Renunciation of Iraq Nationality (by Iraq Nationals born in foreign countries and aliens born in Iraq)	10

[1] Text from *Iraq Government Gazette*, July 9, 1927. [2] Id., July 23, 1927.

Article 3. This Regulation shall come into force with effect from the date of its publication in the Government Gazette.

Article 4. The Minister of Interior is charged with the execution of this Regulation.

LAW OF 1928[1]

Article 1. This law shall be called "Iraq Nationality Law Amendment Law No. 3 of 1928."

Article 2. Article 8 (a) of the Iraq Nationality Law No. 42 of 1924, is hereby amended by the substitution of the words "articles 3 and 7" for the words "articles 3, 4 and 5."

Article 3. Article 14 of the Iraq Nationality Law No. 42 of 1924 amended by the Iraq Nationality Law Amendment Law No. 21 of 1925, is hereby amended by the substitution of the date "31st December, 1927," for the date "6th August, 1926."

Article 4. The Ministers of Interior and Justice are charged with the execution of this law.

[1] Text from *Br. Parl. Papers*, Misc. No. 7 (1928), Cmd. 3221, p. 27.

ITALY

EDITORS' NOTE. Before the publication of the code, naturalization was governed by the laws of the different states. The Civil Code, promulgated on June 25, 1865,[1] contained in Articles 4 to 15 the following provisions: A child whose father was a citizen was also a citizen (Article 4). A child born in Italy of a foreigner who had been domiciled there for ten years was a citizen (Article 8). A foreign woman who married a citizen acquired his citizenship (Article 9), and an Italian woman marrying a foreigner lost Italian nationality, if she acquired her husband's nationality according to the law of his country. There were also provisions concerning nationality in Articles 44 to 51 of the Royal Decree of November 15, 1865.[2] Subdivision 3 of paragraph 1 of Article 11 of the Civil Code was abrogated by Article 35 of the law of January 31, 1901, on emigration.[1] Article 36 of the same law dealt with naturalization by decree of the Ministry of the Interior. The law of May 17, 1906[3] provided for naturalization by royal decree. All the above laws, with the exception of the Royal Decree of November 15, 1865, were abolished by the law of June 13, 1912.[4] The decree of August 2, 1912[5] embodied the regulations for the enforcement of the law of June 13, 1912. The circular of March 4, 1913, No. 300,[6] related to instructions in connection with naturalization petitions.

Acquisition of Italian nationality was suspended during the war by the decree of July 25, 1915.[7] Naturalization was dealt with again by Decree No. 870, of June 30, 1918.[8] Decree-Law No. 1029, of July 14, 1918,[9] shortened the time within which option for Italian nationality had to be exercised. Royal Decree No. 2560, of December 28, 1919, abrogated Articles 44 to 51 of the decree of November 15, 1865. The decree law of December 30, 1920, was modified by Decree Law No. 2857, of December 6, 1923.

Naturalization, which was suspended during the war, was reestablished by the decree of August 31, 1921.[10] The decree of December 30, of the same year,[11] regulated nationality in the annexed territories. Article 14 of the law of June 13, 1912 was modified by Article 1 of the decree law of September 10, 1922.[4] Loss of citizenship is provided for in Article 8 of the law of June 13, 1912[4] and in Law No. 108 of January 31, 1926,[4] and in Royal Decree Law No. 15, of January 10, 1926.[4]

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[1] Cit. Bd. Report (1906) 440.
[2] Magnus, 58.
[3] Clunet (1907) 306.
[4] Post.
[5] 106 *Br. and For. St. Papers*, 1076.
[6] *Rev. de dr. int. pr.* (1914) 284.
[7] 114 *Br. and For. St. Papers*, 844.
[8] *Jour. of Soc. of Comp. Leg.* (1920) 177.
[9] *Ann. de lég. étr.* (1918) 169.
[10] *Jour. of Soc. of Comp. Leg.* (1923) 183.
[11] Ibid.

Staatsbürgerschaft," 2 *Wille und Weg* (1926) 112; Schwartz, 88; T. Von Holtzendorff, "Le principe des nationalités et la littérature italienne du droit des gens," *Rev. de dr. int. et de leg. comp.* (1870) 94; Zeballos, 325.

For comment on the law of October 17, 1892, see *Ann. de lég. étr.* (1893) 386. For the text of the law of May 17, 1906, in German, *Gaz. uff.* (May 31, 1906), No. 127. For comment see E. Pagliano, "De l'acquisition de la nationalité italienne depuis la loi du 17 mai 1906," Clunet (1907) 306. For text and comment see *Ann. de lég. étr.* (1906) 349. For the text of the law of June 13, 1912, in Italian, see *Raccolta ufficiale delle leggi e dei decreti del Regno* (1912), No. 555; in French, see *Ann. de lég. étr.* (1912) 149; Clunet (1912) 1309; *Rev. de dr. int. pr.* (1913) 951; in English, see 106 *Br. and For. St. Papers*, 1071; in German, see Cahn, 469; Keller-Trautmann, 705. For comment on the law of June 13, 1912, see *Ann. de lég. étr.* (1912) 147; Clunet (1912) 1347; A. Pezzuti, *La dottrina della cittadinanza italiana; essame e commento pratico della legge 13 giugno 1912* (Naples, 1914); *Rev. de dr. int. pr.* (1913) 944; id. (1918) 315. For the text of the decree of August 2, 1912, in English, see 106 *Br. and For. St. Papers*, 1076; in French, see *Ann. de lég. étr.* (1912) 154; *Rev. de. dr. int. pr.* (1914) 282; in German, see *Gaz. uff.* (September 9, 1912), No. 213. For the text of Circular No. 300, of March 4, 1913, in French, see *Rev. de dr. int. pr.* (1914) 284. For the text of the decree of July 25, 1915, in English, see 114 *Br. and For. St. Papers*, 844; in French, see, *Rev. de dr. int. pr.* (1915–16) 399. For the text of Decree No. 870, of June 30, 1918, in English, see *Jour. of Soc. of Comp. Leg.* (1920) 177. For comment on Decree Law No. 870, of July 14, 1918, see *Ann. de lég. étr.* (1918) 169. For the text of Decree No. 2560, of December 28, 1919, in French, see *Ann. de lég. étr.* (1919) 76; in German, see *Gaz. uff.* (January 21, 1920), No. 16. For the text of Royal Decree No. 1890, of December 30, 1920, in French, see, *Rev. de dr. int. pr.* (1921) 416; in German, see *Gaz. uff.* (January 18, 1921), No. 14. For the text of the decree of August 21, 1921, in English, see 114 *Br. and For. St. Papers*, 846; in French, see Clunet (1921) 1058; *Rev. trim. dr. civ.* (1923) 889; in German, see *Gaz. uff.* (Sept. 10, 1921). For comment, see *Ann. de lég. étr.* (1921) 40. For comment on Decree No. 1890, of December 30, 1921, see *Jour. of Soc. of Comp. Leg.* (1923) 183. For the text of Decree No. 43, of January 29, 1922, in English, see *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, 33. For the text of the law of September 10, 1922, in French, see *Ann. de lég. étr.* (1922) 35; in German, see *Gaz. uff.* (November 6, 1922), No. 259; Schwartz, 244. For comment, see *Ann. de lég. étr.* (1923) 10. For the text of the decree of June 7, 1923, in English, see *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, 33. For comment on Decree Law No. 1418, of June 14, 1923, see *Ann. de lég. étr.* (1923) 10. For the text of the Royal Decree of October 16, 1924, in English, see *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, 36. For the text of Royal Decree Law No. 1854, of October 15, 1925, in English, see ibid. For the text of the Royal Decree Law of January 10, 1926, see id. 38. For the text of Law No. 108, of January 31, 1926, in English, see ibid.; in French, see Clunet (1927) 251; *Rev. de dr. int. pr.* (1926) 469. For the text of Royal Decree Law No. 1378, of March 13, 1927, in English, see *Br. Parl. Papers*, Misc. No. 7 (1928), Cmd. 3221, p. 28; of May 12, 1927, see id. 28; of No. 2067, of October 27, 1927, see id. 32.

LAW OF JUNE 13, 1912[1]

[TRANSLATION]

Article 1. One is a citizen by birth:

(1) When his or her father is a citizen.

(2) When his or her mother is a citizen, if the father is unknown or has neither Italian citizenship, nor that of any other nation, or where the child does not follow the citizenship of his father (where the latter is a foreigner) in conformity with the law of the nation to which the father belongs.

(3) He or she was born in the kingdom, if both parents are unknown or have neither Italian citizenship nor that of any other nation, or when the child does not follow the citizenship of his or her foreign parents in conformity with the law of the nation to which they belong.

The child of unknown parents, found in Italy, is considered, till the contrary be proved, to have been born in the kingdom.

Article 2. The recognition or the judicial declaration of relationship made during the minority of the child not emancipated, determines the citizenship, in conformity with the provisions of the present law.

To this effect the father's citizenship shall prevail, even if the paternity be recognized or declared subsequently to the recognition of the maternity.

If the child recognized or declared is already of age, or emancipated, he or she will keep his own citizenship, but, within one year from the date of the recognition or of the judicial declaration, he or she may declare to adopt the citizenship which is derived from actual relationship.

The provisions contained in the present article shall be applicable also to the children whose paternity or maternity is established in one of the ways contemplated in Article 193 of the Civil Code.

Article 3. The foreigner born in the kingdom or of parents who at the date of his birth have resided there for not less than ten years, becomes a citizen:

(1) If he enters military service in the kingdom or accepts employment from the government.

(2) If when his twenty-first year of age is accomplished he resides in the kingdom, and within his twenty-second year declares his choice of Italian citizenship.

(3) If he has been residing in the kingdom for at least ten years, and does not declare, within the period mentioned in paragraph 2, his desire to retain foreign citizenship.

The provisions contained in this Article are applicable also to the foreigner whose father or mother or father's father was a citizen by birth.

[1] Text from enclosure with Despatch No. 272, December 20, 1924, from the American Ambassador to Italy to the Secretary of State.

Article 4.[1] Italian citizenship, including the enjoyment of political rights, may be granted by royal decrees, if the Council of State has previously expressed a favorable opinion:

(1) To the foreigner who has served the state for three years, even though this service has been rendered abroad.
(2) To the foreigner who has resided at least five years in the kingdom.
(3) To the foreigner who has resided three years in the kingdom and has rendered important services to Italy or has contracted marriage with an Italian citizen.
(4) After one year's residence, to one who might have become an Italian citizen by benefit of the law, but omitted to make the explicit declaration necessary therefor.

Article 5. The royal decree granting citizenship shall have no effect, if the person to whom the citizenship is granted does not take oath of allegiance to the King and does not swear to observe the statute and the other laws of the state.

Article 6. Citizenship may be granted by a special law to those who have rendered to Italy services of exceptional importance.

Article 7. Except in the case of special provisions to be stipulated by international treaties, an Italian citizen born and residing in a foreign nation, which considers him to be a citizen of its own by birth, still retains Italian citizenship, but he may abandon it when he becomes of age or emancipated.

Article 8.[2] One loses citizenship:

(1) When he of his own will acquires a foreign citizenship and establishes or has established his residence abroad.
(2) When, having acquired a foreign citizenship independently of his own will, one declares that he renounces Italian citizenship, and establishes or has established his residence abroad.

In the cases contemplated in paragraphs 1 and 2, the government may except the transfer of the residence abroad.

(3) When having accepted employment from a foreign government, or having assumed the military service in a foreign power, he persists in that position, in spite of the Italian Government's instruction to abandon within a fixed lapse of time the said employment or service.

The loss of citizenship in the cases contemplated in this article does not exempt one from the obligations of military service, except as regards facilities granted by special laws.

Article 9. He who has lost citizenship in pursuance of Articles 7 and 8, may reacquire it:

(1) If he performs military service in the kingdom or if he accepts employment from the state;

[1] See also Article 1 of decree law of September 10, 1922, post, p. 371.
[2] See also Royal Decree Laws No. 15, of January 10, 1926, and No. 108, of January 31, 1926, post, pp. 373–4.

(2) If he declares his renunciation of the citizenship of the state to which he belongs, or if he proves that he has given up the employment or the military service abroad which had been maintained in spite of the prohibition by the Italian Government; and in both cases if he has established or if he establishes within one year from the date of the renunciation, his residence in the kingdom.

(3) After two years of residence in the kingdom, if the loss of citizenship had been due to the acquisition of foreign citizenship.

Nevertheless, in the cases contemplated in paragraphs 2 and 3, the reacquiring of citizenship shall have no effect, if the government forbids it. This prohibition may be declared by the government for serious reasons, and in conformity with the expressed opinion of the Council of State, within the period of three months from the fulfillment of the conditions established in the said paragraphs 2 and 3, if the foreign citizenship latest acquired be that of an European country, or within the period of six months in other cases.

The reacquiring of citizenship is possible without the fulfillment of the condition providing for establishment of residence in the kingdom, to those who abandoned not less than two years before, residence in the state to which they belonged, transferring it to some other foreign country without assuming the latter's citizenship. To reacquire citizenship in this case, however, it is necessary to have gained previously the permission of the government.

Article 10. A married woman cannot assume a citizenship different from her husband's, even if there is a personal separation between them.

A foreign woman who marries a citizen, acquires Italian citizenship. She retains it also during her widowhood, except in the case when she reacquires her original citizenship, by remaining abroad, or transferring abroad her residence.

A female citizen who marries a foreigner loses Italian citizenship, if her husband possesses a citizenship which may be communicated to her by the marriage. In case of dissolution of the marriage, she becomes again a citizen, if she resides in the kingdom, or if she returns there, and in both cases declares that she is willing to reacquire citizenship. The fact of residence in the kingdom for over two years after the dissolution of the marriage, if there are no children born from that marriage, shall be tantamount to this declaration.

Article 11. If the husband, being a citizen, becomes a foreigner, the wife who has residence in common with him loses Italian citizenship if she acquires that of her husband; but she may reacquire it, in conformity with the provisions of the preceding article.

If the husband, being a foreigner, becomes a citizen, the wife acquires citizenship if she has residence in common with him.

If, however, husband and wife are legally separated, and there exist no children born from their marriage, who, in pursuance of the following article,

should acquire their father's new citizenship, the wife may declare her willingness to maintain her own citizenship.

Article 12. Minor non-emancipated children of those who acquire or reacquire citizenship, become citizens, except in cases when, residing abroad, they retain the foreign citizenship, in conformity with the law of the state to which they belong. The child of a foreigner by birth, however, having become a citizen, may, within one year from the date when he becomes of age, or obtains the emancipation, declare his choice of the citizenship of his origin.

Minor non-emancipated children of those who lose citizenship, become foreigners if they possess their residence in common with the parent who has *patria potestas*, or legal guardianship of them, and acquire the citizenship of the foreign country. The provisions contained in Articles 3 and 9 are applicable to them.

The provisions contained in the present article are applicable also in cases where the mother who exerts the *patria potestas* or the legal guardianship of the children, possesses a citizenship different from that of the father previously dead. On the other hand, they are not applicable in cases where the mother who exerts the *patria potestas* changes her citizenship in consequence of a new marriage, the citizenship of all the children of the first father remaining unchanged.

Article 13. The acquisition or reacquisition of citizenship in all the abovementioned cases, shall take effect from the day following the date when all the established conditions and formalities have been fulfilled.

The applications and declarations of acquisition or reacquisition shall be exempt from any tax and expense.

Article 14. Whoever resides in the kingdom and possesses neither Italian citizenship, nor that of another state, shall be subject to Italian laws as far as civil rights and military service are concerned.

Article 15. The territory of the Italian Colonies shall be considered as territory of the kingdom as regards the effects of the present law, with the exception of special provisions of law regarding these colonies.

Article 16. The declarations contemplated in the present law may be made to the officer of civil status (*Ufficiale dello Stato Civile*) of the commune in which the declarant has established or intends to establish his residence, or before a royal diplomatic or consular officer abroad.

The authority to receive such declarations may be extended by the Government of the King to other public officials.

Temporary Provisions

Article 17. The enactment of the present law shall abrogate Articles 4 to 15 of the Civil Code; Article 36 of the law on emigration of January 31, 1901 (No. 23); the law of May 17, 1906 (No. 217); and all the other provisions contrary to this present law.

Nothing, however, shall be changed in the laws in force regarding the concession by royal decree of citizenship, including full enjoyment of political rights to Italians who do not belong to the kingdom.

The provisions of International conventions remain unaltered.

Article 18. Those who have obtained Italian citizenship previous to the present law, without the enjoyment of political rights, may obtain the latter by royal decree, if the Council of State expresses a favorable opinion therefor, and if the conditions contemplated in Article 4 are fulfilled.

Article 19. The status of citizenship acquired previously to this law may be modified only by events subsequent to the enactment of the same.

But those whose status of citizenship at the date of the enactment of the present law differs from the one which should appertain to them in pursuance of the provisions contained in the preceding articles, may declare, within one year, their choice between the status of citizen and that of foreigner, to which they would have been entitled in conformity with the said provisions.

Those upon whom the provisions contained in the preceding articles confer the right to choose the status of citizen or of foreigner, may make the declaration within one year from the date of the enactment of the present law, even if the period of time has elapsed, except in the case of persons who, possessing the right to make such declaration in pursuance of the previous law, omitted to make it.

Article 20. The government will establish, by royal decree, having heard the opinion of the Council of State, the regulations for the application of this law, which will be in force from July 1, 1912.

ROYAL DECREE NO. 949, OF AUGUST 2, 1912 [1]

EMBODYING THE REGULATIONS FOR THE EXECUTION OF THE LAW UPON ITALIAN CITIZENSHIP

[TRANSLATION]

Article I. The foreigner who wishes to obtain citizenship as provided in Article IV of the law, must make a request to the Ministry of the Interior and produce, other than the documents necessary to prove that he is eligible under one of the conditions outlined in the said article, the following duly authenticated documents:

(1) Birth certificate
(2) Certificate regarding his family
(3) Penal certificate from his place of origin.

The Ministry is authorized, according to the case, to request other documents. The request for naturalization may be made, or the necessary docu-

[1] Text from enclosure with Despatch No. 2438, August 22, 1929, from the American Chargé d'Affaires at Rome to the Secretary of State.

ments may be presented to Italian diplomatic or consular officers abroad, who will transmit them to the Ministry of the Interior.

Article II. The foreigner who has obtained citizenship shall not be permitted to exercise political rights if he does not possess the requirements, and does not conform to the conditions prescribed in the laws of the state.

Article III. The oath prescribed in Article V must be taken within six months of the granting of the decree of citizenship to the applicant: in the kingdom this must take place before the civil official of the applicant's place of residence; and abroad before a diplomatic or consular officer.

These agents furnish a copy of the oath of allegiance to the applicant, and immediately transmit another copy to the Syndic of the commune of the kingdom where the naturalized subject resides; and in the case that he resides abroad, to the Syndic of the commune of the kingdom who is indicated by the applicant; and lacking such indication, to the Syndic of Rome.

The civil official before whom the oath is taken, or to whom a copy of the oath is transmitted, shall transcribe the decree in the civil records of the commune, and immediately inform the Ministry of the transcription.

After six months have elapsed from the date of the furnishing of the decree the applicant shall not be permitted to take the oath if he cannot furnish proof of the continuity of the conditions under which the citizenship was granted.

Article IV. The delivery of the decree conceding Italian citizenship is effected in the kingdom by the Recorder of Public Deeds, and abroad by the diplomatic or consular agent in the place of the applicant's residence.

The delivery must be preceded by the payment of the governmental tax provided for in the law of September 13, 1874, No. 2086.

Article V. The renunciation referred to in Article VII of the law must be made to the diplomatic or consular agent in the place of residence of the person who renounces citizenship. The agent transcribes it in the proper register, and sends a copy to the Ministry of the Interior, who, through the competent authorities, has it transcribed in the civil registers of the kingdom.

Article VI. The renunciation of citizenship and the declaration of the transferring of residence, referred to in Article VIII of the law, must be made before the civil official in the commune where the citizen resides.

If he has transferred his residence abroad, he may renounce his citizenship before the diplomatic or consular agent in his place of residence, in the manner prescribed in the preceding article. The dispensing with the condition of transferring residence abroad is accorded by a decree of the Ministry of the Interior.

The legal notice referred to in paragraph three of Article VIII is rendered by a decree of the Ministry of the Interior, to be effective from the day the interested person is notified.

Article VII. With regard to Article IX, paragraph two of the law, the

proof of having renounced the liability to military service abroad must be furnished to the Ministry of the Interior, who informs the civil official of the commune where the applicant has established or intends to establish his residence.

The inhibition impeding the reacquisition of citizenship upon the fulfillment of the conditions established in paragraphs two and three of Article IX of the law must be made by decree of the Ministry of the Interior, published in the Official Gazette. The decree may refer to determined categories of persons.

The civil official who receives the declarations of the election of residence, as provided in Article XXV of the Regulation of September 21, 1901, No. 445, or of those who otherwise take up residence, must immediately inform the Ministry of the Interior.

Article VIII. The declaration mentioned in the law may be made to the civil official of the commune where the declarant has established or intends to establish his residence, or to a royal diplomatic or consular agent abroad.

Where the law is applied to emigrants returning to the kingdom from abroad on an Italian vessel, the above-mentioned declarations may be made to the captain of the ship. He places them in a suitable register, giving a copy to the interested parties and depositing the register with the maritime authorities at the port of arrival in the kingdom, who transmit copies of the declarations to the civil officials of the communes where the declarants reside.

Article IX. When the law requires that to acquire or reacquire citizenship proof of residence in the kingdom for a determined period must be furnished, the certificates must specify long periods of residence abroad.

Article X. The requests for the acquisition of Italian citizenship coming to the attention of the Ministry of the Interior previous to July 1, 1912, shall be dealt with according to the provisions of the former laws.

Article XI. This law makes no changes in customs existing by usage or law in the colonies regarding the distinction between Italian citizens and colonial subjects.

LAW NO. 43, OF JANUARY 29, 1922[1]

REGARDING THE ACQUISITION OF ITALIAN CITIZENSHIP IN THE NEW PROVINCES

[TRANSLATION]

Article 1. Declarations for the acquisition of citizenship, in accordance with Article 4 and the following articles of Royal Decree No. 1890, of December 30, 1920, can be made within six months from the publication of the present decree.

Article 2. In cases worthy of special consideration, Italian citizenship

[1] Text from *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852.

may be granted by royal decree in accordance with Article 8 of Royal Decree No. 1890, of December 30, 1920, subject to a previous favourable decision of the Council of State, on a request submitted within six months from the publication of this decree, even when all the conditions indicated in the aforesaid article are not fulfilled.

The provisons of Article 4 of Royal Decree No. 2560, of December 28, 1919, are applicable to the granting and reacquisition of citizenship in accordance with Article 8 of the Royal Decree of December 30, 1920, and of the first part of the present article.

Article 3. The provisions of Royal Decree No. 1890, of December 30, 1920, are applicable also to cases of acquisition of Italian citizenship in accordance with the present decree.

Article 4. Those who have acquired citizenship in the sense of Royal Decree No. 1890, of December 30, 1920, or the present decree, will be considered as belonging to the commune in which they or their ancestors already possessed a right of settlement (*diritto di pertinenza*) or to that commune in which they have fixed or intend to fix their own residence or domicile, or to the commune in which they were born or, should none of the aforesaid conditions be applicable, to the commune indicated by them.

Those who, having acquired the recognition of citizenship in the sense of Article 7 (2), of the Treaty of Rapallo, intend to retain their residence or domicile in the territory of the late Austro-Hungarian Monarchy belonging to the Kingdom of the Serbs, Croats and Slovenes, can demand the right of settlement, in the case of Dalmatia, in the Commune of Zara, or in the case of the Island of Veglia, in the Communes of Pola or Cherso.

Article 5. In the cases provided for in the preceding article, the granting of the right of settlement on the part of the communes of the annexed provinces will be compulsory and gratis.

For the other provinces of the kingdom the declaration and the decree under which the acquisition of citizenship is effected, will be entered by the Ministry of the Interior in the registers of citizenship of the commune to which the person making the declaration or the grantee belongs, in accordance with the regulations laid down in the preceding article.

Article 6. The President of the Council of Ministers, Minister Secretary of State for Internal Affairs, will fix the regulations for the application of the present decree.

Article 7. As regards financial effects there is no modification in the regulations in force.

Article 8. The present decree and Royal Decree No. 1890, of December 30, 1920, shall be submitted to Parliament to be converted into law.

We order that the present decree, provided with the seal of state, should be added to the official collection of laws and decrees of the Kingdom of Italy, bidding all whom it may concern observe it and see that it is observed.

LAW OF SEPTEMBER 10, 1922[1]

PROVIDING FOR THE GRANTING OF ITALIAN CITIZENSHIP TO CERTAIN CATEGORIES OF PERSONS

[TRANSLATION]

Article 1. Italian citizenship may be granted to persons over twenty-one, to emancipated single men, to monogamists or widows, by royal decree, on the proposal of the Minister for Foreign Affairs, without the conditions provided in Article IV of Law No. 555, of June 13, 1912, being conformed with, as follows:

(1) If such persons are members of a family of Italian origin which has lost its original citizenship;
(2) If they are enjoying Italian protection, have previously enjoyed it, or are not actually under the protection of any other state;
(3) If they have furnished indubitable proof of their Italian sentiments and can offer assurances that they will contribute to the maintenance of the prestige and good name of Italy.

Article II. The person to whom citizenship is conceded must take an oath as prescribed in Article V of Law No. 555, of June 13, 1912.

The granting of the decree of citizenship must be followed by the execution, before the competent Italian authorities, of the necessary legal formalities, and from the date of the carrying out of such formalities shall commence the six months within which the oath must be taken.

Article III. Citizenship acquired under the terms of Article I does not comprehend the enjoyment of political rights nor the obligation to do military service.

Article IV. The application for citizenship on the part of the category of persons referred to in Article I, paragraph 2, must be made within four months of the date of the publication of this law.

Those who do not make an application within four months, and those whose applications are refused, shall lose all claim to Italian protection.

Article V. This decree shall become effective from the date of its publication in the Official Gazette, and its presentation to Parliament for conversion into law.

DECREE NO. 1245, OF JUNE 7, 1923[2]

EXTENDING TO THE NEW PROVINCES THE LAW AND REGULATIONS IN REGARD TO CITIZENSHIP

[TRANSLATION]

Article 1. Saving the provisions of Section VI, of Part III, of the Treaty of St. Germain, Article 7 (2) of the Treaty of Rapallo, Royal Decree No.

[1] Text from enclosure with Despatch No. 292, January 15, 1925, from the American Ambassador to Italy to the Secretary of State.
[2] Text from *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852.

1890, of December 30, 1920, and Royal Decree Law No. 43, of January 29, 1922, for the acquisition of Italian citizenship in consequence of annexation, Law No. 555, of June 13, 1912, and the regulations for the execution of that law approved by Royal Decree No. 949, of August 2, 1912, are published and have effect also in the territories annexed to the kingdom by Laws No. 1322, of September 26, 1920, and No. 1778, of December 19, 1920.

Article 2. For the purposes of the provisions contained in Law No. 555, of June 13, 1912, birth and residence in the annexed territories, prior to the annexation, are equivalent to birth and residence in the kingdom.

Article 3. For so long as the regulations respecting civil status have not been extended to and brought into force in the annexed territories, the Minister of the Interior shall have power to issue transitory regulations relative to the authorities before whom must be fulfilled the formalities which, according to the aforesaid law and regulations, must be performed before the public registrar (oath, declarations contemplated by the law and similar formalities).

Article 8 of the above-mentioned law also applies to Italian citizens who have acquired a foreign nationality and established their residence abroad, or have accepted employment by a foreign government or have entered the military service of a foreign power before the entry into force of the present decree.

DECREE NO. 1781, OF OCTOBER 16, 1924[1]

EXTENDING THE TIME LIMIT WITHIN WHICH INHABITANTS OF ANNEXED PROVINCES MAY OPT FOR ITALIAN OR FOREIGN NATIONALITY

[TRANSLATION]

Article 1. The time-limit fixed by Article 19, paragraph 3, of Law No. 555, of June 13, 1912, as to Italian citizenship (extended by Royal Decree No. 1245, of June 7, 1923, to the territories annexed by Laws No. 1322, of September 26, 1920, and No. 1778, of December 19, 1920) is prolonged for a year from the entry into force of the present decree in favor of foreigners residing in those territories, who have the right of opting for Italian or foreign citizenship respectively, in accordance with numbers 2 and 3 of Article 3 of the said law of June 13, 1912. This prorogation does not affect those foreigners whose state of citizenship has been decided on the basis of the peace treaties.

Article 2. The present decree will enter into force on the day of its publication in the "Official Gazette" (November 18, 1924).

[1] Text from *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852.

LAW NO. 1854, OF OCTOBER 15, 1925[1]

CONCERNING ACQUISITION OF ITALIAN CITIZENSHIP BY THE INHABITANTS OF THE DODECANESE, IN ACCORDANCE WITH THE DISPOSITIONS OF THE TREATY OF LAUSANNE

[TRANSLATION]

Article 1. In application of Article 30 of the Treaty of Lausanne of July 24, 1923, the following are considered as Italian citizens, in accordance with the dispositions contained in the present decree:

(1) Persons who, being Turkish subjects on the date of August 6, 1924, were established in the Aegean Islands (Stampalia, Rhodes, Calchos, Scarpanto, Kasos, Piscopi, Nisyros, Kalymnos (Calino), Leros, Patmos, Lipsos (Lisso), Symi, Kos, Kastelorizo (Castelrosso) and the small adjacent islands) subject to the rights of option recognized by international agreement.
(2) Women married to persons who are considered citizens in accordance with (1) of this article.
(3) Persons born in the Aegean Islands subsequently to August 6, 1924, who do not already possess the status either of Italian citizens or of foreign citizens or subjects in conformity with Italian law.
(4) The children of a father who is considered a citizen under the foregoing provisions and the children of a mother who is regarded as a citizen under the same provisions, if the father is unknown, or is neither an Italian citizen nor a citizen or subject of another state.

The provisions of paragraph 4 above do not apply to children who on August 6, 1924, were above the age of eighteen years.

Article 2. Persons who are considered as citizens under the preceding article retain their own personal status, are exempt from conscription and from obligatory military service by land or sea and have the rights and obligations derived from the laws and customs in force in Rhodes and in the other Italian islands of the Aegean.

Article 3. The regulations for the application of the present decree shall be laid down by decree of the Governor of the Aegean Islands.

This decree shall be presented to Parliament for conversion into law.

LAW NO. 15, OF JANUARY 10, 1926[1]

CONCERNING THE LOSS OF ITALIAN NATIONALITY

[TRANSLATION]

Sole Article. The concession of citizenship resulting from option in accordance with the peace treaties may at any time be revoked, when the person

[1] Text from *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852.

who has acquired citizenship shows himself, by his political conduct, to be unworthy of it.

The revocation is pronounced by decree of the Prefect after consideration of the written argument of the interested party, which must be presented within fifteen days of the presentation of the charges.

Against the decree of the Prefect is admitted appeal to the judicial sections of the Council of State or extraordinary appeal to the King.

The present decree shall be presented to Parliament for conversion into law.

LAW NO. 108, OF JANUARY 31, 1926[1]

EFFECTING MODIFICATIONS AND ADDITIONS TO LAW NO. 555, OF JUNE 13, 1912, IN REGARD TO CITIZENSHIP

[TRANSLATION]

Sole Article. In addition to the cases indicated in Article 8 of Law No. 555, of June 13, 1912, a citizen loses his citizenship if he commits, or assists in committing abroad, an act directed towards the disturbance of public order in the kingdom, or from which may result damage to Italian interests or diminution of the good name and prestige of Italy, even though such act does not constitute a crime.

Loss of citizenship is declared by royal decree, on the recommendation of the Minister of the Interior, in agreement with the Minister for Foreign Affairs, after hearing the opinion of a commission composed of a Counsellor of State, as president, the Director General of Public Security, a Director General of the Ministry of Foreign Affairs, appointed by the Minister for Foreign Affairs, and two magistrates of the Court of Appeal, appointed by the Minister of Justice.

To the loss of citizenship may be added, on an opinion to that effect of the above-mentioned commission, sequestration and, in more serious cases, confiscation of property.

In the decree which pronounces the sequestration is laid down the duration of such sequestration and the destination of the income of the property.

Foreign citizenship subsequently acquired by the owner of the property has no effect on the efficacy of the order of sequestration or confiscation.

Loss of citizenship carries with it the loss of titles, salaries and dignities belonging to the ex-citizen.

Loss of citizenship pronounced in accordance with this law has no effect on the national status of the wife (or husband) or children of the ex-citizen.

[1] Text from *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852.

LAW NO. 1378, OF MARCH 13, 1927[1]

CONCERNING THE CITIZENSHIP OF NATIVES OF THE ITALIAN ISLANDS OF THE AEGEAN

[TRANSLATION]

Article 1. On declarations for the election of Italian citizenship, presented on the basis of Article 34 of the Treaty of Peace of Lausanne by persons natives of the Italian islands of the Aegean, established abroad, the decision is taken by the Governor of those islands, who may reject them in individual cases.

The decisions of the Governor are subject to the approval of the Ministry for Foreign Affairs.

Article 2. Citizenship granted in the manner indicated in the preceding article produces the same effects as are specified in Article 2 of Royal Decree Law No. 1854, of October 15, 1925, converted into law in Law No. 1139, of April 15, 1926.

Article 3. The rules for the application of the present decree, except for the part within the competence of the Ministry for Foreign Affairs, shall be laid down by the Governor of the islands.

This decree shall be presented to Parliament for conversion into law and the Minister proposing it is authorized to present the necessary bill for the purpose.

LAW OF MAY 12, 1927[1]

CONCERNING CITIZENSHIP OF PERSONS SETTLED IN THE TERRITORY OF FIUME

[TRANSLATION]

Article 1. The following acquire Italian citizenship of right, provided that they have not spontaneously, or in accordance with the Treaties of Peace, acquired another citizenship:

(a) Persons of eighteen years of age who, on November 3, 1918, possessed a right of membership of the Commune of Fiume dating from not later than January 1, 1910, and who had acquired this right not in consequence of their employment, if such persons or their parents resided or had resided in that part of the territory of Fiume annexed to Italy or in any other part of the kingdom.

(b) Persons of eighteen years of age who possess a right of membership of Fiume acquired either since January 1, 1910, or in consequence of their employment, provided such persons, if they had not already acquired such membership, would have become full Italian citizens on the basis of Articles 70 and 71 of the Treaty of St. Germain.

[1] Text from *Br. Parl. Papers*, Misc. No. 7 (1928), Cmd. 3221, p. 28.

(c) Persons of eighteen years of age who possessed Italian citizenship previous to acquiring membership of the Commune of Fiume, even in cases in which an order prohibiting the reacquisition of Italian nationality has been issued in respect of such persons in accordance with the last clause of Article 9 of Law No. 555, of June 13, 1912.

Article 2. Persons of eighteen years of age similarly acquire full Italian citizenship who possessed on November 3, 1918, the right of membership of the Commune of Castua dating from before May 24, 1915, for reasons unconnected with their employment,—if such persons were born in those sections of the above-mentioned commune which were annexed by Italy under Royal Decree No. 211, of February 22, 1924, or if such persons, or their parents, reside or have resided in those sections of the said commune or elsewhere within the kingdom.

Article 3. Within three months of the entry into force of the present decree, the Commune of Fiume shall compile and publish a list of those persons who fall within the conditions laid down in the preceding articles.

Within one month of the day of publication of the list, all interested persons may present written complaints in regard to all omissions or errata which may concern them.

These complaints will be decided by the commune and, in the second instance, on an appeal which must be lodged within fifteen days of the notification of the decision of the commune, by the Prefect of Fiume.

No further appeal is permitted against the decision of the Prefect to the effect that the acquisition of full citizenship in the case of any given person cannot be recognized, other than a recourse to legal proceedings.

Article 4. Persons who acquire full Italian citizenship in accordance with Articles 1 and 2 of the present decree, but who differ in race and language from the majority of the population of Fiume, may, within six months of the entering into force of the decree, decline to acquire Italian citizenship, by producing a written declaration to that effect to be presented to the Prefect of Fiume.

The persons in question must give proof that they are not Italians by race and by language by means of a certificate to that effect to be issued to them by the Commune of Fiume in accordance with the data provided by the last census and by the registers of population.

The final decision as to the acceptance or non-acceptance of such declarations rests with the Prefect, who will communicate his decision to the declarants and to the Commune of Fiume for the removal from the list of persons admitted to full Italian citizenship of those whose declaration has been accepted.

Article 5. The reacquisition of full Italian citizenship in accordance with Article 1, section (c), of the present decree, must be communicated by the

Commune of Fiume to the civil authorities of the commune in which the loss of Italian citizenship was previously registered, for the insertion of an appropriate note in the civil register.

Article 6. Persons of eighteen years of age whose membership of the Commune of Fiume dates from later than January 1, 1910, or is due to reasons connected with their employment, provided they do not come under the conditions laid down by sections (b) and (c) of Article 1 of the present decree; and also those persons belonging to Fiume who do not themselves reside and have not resided, and whose parents do not reside and have not resided, either in the part of Fiume assigned to Italy nor in any other part of the kingdom; and, finally, those persons belonging to the Commune of Castua who do not conform to the conditions laid down by Article 2 of the present decree, but who themselves reside or have resided, or whose parents reside or have resided in that section of the commune annexed by Italy or in any other part of the kingdom, may present to the Prefect of Fiume a declaration by which they elect Italian citizenship.

Declarations electing Italian citizenship may similarly be presented by persons who have served during the war either in the Royal Army, the Royal Navy or the Royal Air Force, or who have served in the D'Annunzio Legions since the armistice, even if the conditions prescribed in the preceding paragraph do not apply to them.

The declaration in question must be presented within six months of the entry into force of the present decree, if the person concerned resides within the new boundaries of the kingdom, and within one year of the same date if he resides abroad.

The Prefect of Fiume decides the matter and is empowered to accept or to refuse such declarations.

Appeal to the Ministry of the Interior against an unfavorable decision on the part of the Prefect is allowed within fifteen days of the decision of the Prefect being notified.

The decision of the Ministry of the Interior, after consultation with the Council of State is final.

Article 7. All final decisions for the recognition of Italian citizenship as the result of election as provided in the preceding article, shall be communicated by the Prefect of Fiume to the Civil Registry of Fiume for transcription in the registers of citizenship.

Article 8. Persons not belonging to Fiume, but resident there, may obtain Italian citizenship in accordance with Law No. 555, of June 13, 1912, subject to the reservation contained in Article 1 of Royal Decree No. 1245, of June 7, 1923, extended to the territory of Fiume by Royal Decree No. 351, of March 30, 1924.

Article 9. Married women shall follow the citizenship of their husbands, and minors of less than eighteen years of age at the time of the entry into

force of the present decree shall follow that of whichever parent exercises the right of guardianship over them.

Article 10. In the cases of widows and divorced women, the citizenship which they possessed during their marriage shall be taken into consideration, unless they have acquired citizenship on their own account since the termination of the marriage.

Article 11. Orphans, children of unknown parentage, disabled persons and absentees shall be represented, in every case to which the present regulations apply, by their guardians or trustees, who may also elect or decline Italian citizenship in their name.

Article 12. The declarations of election of citizenship referred to in Article 6 of the present decree must be substantiated by the following documents:

(1) Birth certificate of the applicant.
(2) Certificate respecting position of the family.
(3) Certificate of legal membership of the Communes of Fiume or of Castua, indicating the date on which this membership was acquired and the grounds of its acquisition.
(4) Certificate of actual, or if necessary of previous residence of the applicant himself or of his parents in Fiume or Castua.

Persons not residing and never having resided and whose parents do not reside and have never resided in the territory annexed by Italy in virtue of Royal Decree No. 211, of February 22, 1924, must furthermore make a statement as to the commune in which they have fixed or intend to fix their own residence or their own domicile, or as to the commune in which they wish to be inscribed in the civil registers.

Article 13. The acquisition of Italian citizenship in accordance with the present decree has full effect for the purposes contemplated in Law No. 555, of June 13, 1912, from the date of the annexation of Fiume to Italy.

Article 14. Claims, appeals, declarations and other deeds relative to the acquisition of Italian citizenship in accordance with the present decree are exempted from tax, duty or other fee.

Article 15. Bodies with legal personality, including commercial companies having their head office in Fiume, and the incorporation of which is registered with the competent authorities at Fiume, are considered to be Italian.

Article 16. The present decree enters into force on the date of its publication in the "Official Gazette" of the kingdom, and will be presented to Parliament for conversion into law.

The proposing Minister is entrusted with the presentation of the bill for this purpose.

LAW NO. 1013, OF JUNE 26, 1927[1]

REGARDING ITALIAN LYBIAN CITIZENSHIP

[TRANSLATION]

Article 29. The following are Italian Lybian citizens:

the son, wherever he be born, of a father who is an Italian Lybian citizen or, in case the latter is unknown, of a mother who is an Italian Lybian citizen;
a woman who is married to an Italian Lybian citizen;
those born in Tripolitania or Cyrenaica, wherever they be residing, who are neither metropolitan Italian citizens nor citizens or subjects of any other country in conformity with Italian laws;
the son of unknown parents found in Tripolitania or Cyrenaica shall be presumed to have been born there until otherwise proven.

Article 30. All persons who have their residence in Tripolitania or Cyrenaica and who are neither metropolitan Italian citizens nor citizens or subjects of any other country shall be presumed to be Italian Lybian citizens.

Article 31. For the exercise of the rights sanctioned by the present law and until the establishment of civil status offices, the certificates attesting to the fulfillment of the requisites prescribed in Article 29 shall, in the case of Mussulmans, be issued by the chiefs of the districts of habitual residence (Imam and Muchtar) or by the chiefs of the respective cabals. In the case of Israelites, the certificates shall be issued by the rabbis of the different communities, with the visa of the regional commissary.

Article 32. Italian Lybian citizens who have or who transfer their residence abroad cannot acquire the status of foreign citizens or subjects unless so authorized by royal decree.

They shall lose the status so acquired by the mere fact of being in the territory of Tripolitania, Cyrenaica, the kingdom, or in the other of the Italian colonies.

Article 33. Italian metropolitan citizenship may be granted to Italian Lybian citizens at their request, provided they possess the following requisites:

(1) twenty-one years of age;
(2) not a polygamist;
(3) never sentenced for a crime involving the loss of political rights;
(4) has passed the examination of the Italian elementary third grade.

In addition, one of the following requirements must be met:

(a) has served with faithfulness and honor in the Royal Army, Navy, or Air Service, or in any other military organization of the state;

[1] Text from enclosure with Despatch No. 2438, August 22, 1929, from the American Chargé d'Affaires at Rome to the Secretary of State.

(b) holds a government position or receives a pension paid by the state;
(c) recipient of a decoration or other mark of distinction conferred by the government;
(d) born of an Italian Lybian citizen who became an Italian metropolitan citizen when the applicant had already passed his twenty-first year of age.

Article 34. With regard to the acquisition of Italian citizenship in conformity with the preceding article, there shall be followed, in so far as possible, the procedure outlined in Law No. 555, of June 13, 1912, and in the pertinent regulations.

DECREE NO. 2067, OF OCTOBER 27, 1927[1]

CONCERNING THE APPLICATION TO THE NEW PROVINCES OF THE LAW OF CITIZENSHIP

[TRANSLATION]

Article 1. The reservation contained in Article 1 of Royal Decree No. 1245, of June 7, 1923, is extended only to persons who, on the date of the entry into force of the Treaties of St. Germain and Rapallo, belonged to a commune of the former Austro-Hungarian Monarchy.

Article 2. The dispositions contained in Article 3 of Law No. 555, of June 13, 1912, on citizenship are applicable to all those who are not affected by the above-mentioned reservation, even if the dispositions of Article 8 of Royal Decree No. 1890, of December 30, 1920, and Article 2 of Decree Law No. 43, of January 29, 1922, are applicable to them. Such persons, if after the entry into force of the Royal Decree of June 7, 1923, they were in the conditions described in sections 2 and 3 of the above-mentioned Article 3 of Law No. 555, of June 13, 1912, and if they have not made the declarations therein prescribed, within the time fixed, which was extended by Royal Decree No. 1781, of October 16, 1924, and Royal Decree No. 443, of April 5, 1925, may make the said declarations within the year from the entry into force of the present decree.

Article 3. The present decree will enter into force on the day following its publication in the "Official Gazette." We order that the present decree, furnished with the seal of the state, be inserted in the official list of laws and decrees of the Kingdom of Italy, with the command that all concerned will observe it and have it observed.

[1] Text from *Br. Parl. Papers*, Misc. No. 7 (1928), Cmd. 3221, p. 32.

JAPAN

EDITORS' NOTE. The law of 1873[1] provided that an alien woman who married a Japanese subject acquired his nationality, and a Japanese woman who married an alien acquired his nationality. This act followed the customary law, which held that the child of a Japanese subject acquired nationality *jure sanguinis*, no matter where born. Children born in Japan of foreign parents were not considered Japanese subjects by the customary law. A law on nationality (No. 66) was adopted in March 1899. It was revised by Law No. 27, of March 1916, and by Law No. 19, of July 19, 1924. The Imperial Ordinance referred to in Article 20 of the nationality law was passed on November 15, 1924. The enforcement of the nationality law was provided for in the regulations of November 17, 1924.

BIBLIOGRAPHY: Cahn, 479; Cahn, "Das japanische Staatsangehörigkeitsgesetz," *Zeits. für int. Pr.-und Strafrecht* (1899) 353; Cit. Bd. Report (1906) 444; Lehr, 125; Magnus, 54; T. Miyaoka, "La loi japonaise sur la nationalité et les droits fonciers des étrangers conformément aux lois du Japon," *Bull. de lég. comp.* (1924–25) 348; Schwartz, 104; J. B. Scott, "The Japanese Law of Nationality," *Am. Jour. Int. Law* (1916) 367; Zeballos, I, 299.

For comment and text of the Constitution of February 11, 1889, see Clunet (1896) 231. For the text of the law of March 1899, in French, see Clunet (1906) 111; in German, see Keller-Trautmann, 714; Schwartz, 104. For comment, see Cahn, "De la nationalité japonaise d'après la nouvelle loi du 15 mars 1899," Clunet (1899) 353. For text and comment, see H. Nagaoka, Clunet (1906) 111. For the text of the law of April 1, 1899, in English, see 110 *Br. and For. St. Papers*, 916. For the text of the law of March 15, 1916, in French, see Clunet (1917) 792. For comment, see *Japanese Year Book* (1921–22) 293. For the text of the notification of July 10, 1916, in English, see 110 *Br. and For. St. Papers*, 921. For the text of the law of August 1, 1916, in English, see 110 *Br. and For. St. Papers*, 920. For the text of Law No. 66, of March 1899, as revised to 1924, in English, see *Br. Parl. Papers.*, Misc. No. 2 (1927), Cmd. 2852, p. 39.

LAW NO. 21, OF JULY 9, 1898[2]

[TRANSLATION]

I. A Japanese, in order to adopt an alien or a Japanese woman who is the head of a house, in order to marry an alien, must obtain the permission of the Minister of the Interior.

II. The Minister of the Interior may give the permission mentioned in the preceding article, if the following requisites exist as to the alien:

(1) He must have had his domicile or residence for at least one full year in Japan.

(2) He must be a person of honest behavior.

[1] T. Miyaoka, "La loi japonaise sur la nationalité et les droits fonciers des étrangers conormément aux lois du Japon," *Bull. de lég. comp.* (1924-25) 348. The author says that he may be making a mistake of a year or two as to the date.

[2] Text from Cit. Bd. Report (1906) 445.

LAW NO. 66, OF MARCH 1899

AS REVISED BY LAW NO. 27, OF MARCH 1916, AND BY LAW NO. 19, OF JULY 1924, EFFECTIVE FROM DECEMBER 1, 1924[1]

[TRANSLATION]

Article 1. A child is regarded as a Japanese if its father is at the time of its birth a Japanese. The same applies if the father who died before the child's birth was at the time of his death a Japanese.

Article 2. If the father loses his nationality, either by divorce or by dissolution of adoption, before the child's birth, the provisions of the preceding article apply retroactively from the commencement of conception.

The provisions of the preceding paragraph do not apply in cases where both the father and the mother have left the family, except when the mother in such cases returns to the family before the child's birth.

Article 3. In cases where the father cannot be ascertained, or has no nationality, if the mother is a Japanese the child is regarded as a Japanese.

Article 4. If neither the father nor the mother of a child born in Japan can be ascertained, or if they have no nationality, the child is regarded as a Japanese.

Article 5. An alien acquires Japanese nationality in the following cases:

(1) By becoming the wife of a Japanese.
(2) By becoming the *nyufu*[2] of a Japanese woman.
(3) By acknowledgment by his or her father or mother who is a Japanese.
(4) By adoption by a Japanese.
(5) By becoming naturalized.

Article 6. For an alien to acquire Japanese nationality by acknowledgment the following conditions must be fulfilled:

(1) He or she must be a minor by the law of his or her country.
(2) She must not be the wife of an alien.
(3) The parent, whether father or mother, who has first made acknowledgment, must be a Japanese.
(4) If the father and mother have made acknowledgment simultaneously, the father must be a Japanese.

Article 7. An alien may become naturalized with the permission of the Minister of the Interior.

The Minister of the Interior cannot permit naturalization, except in the case of persons fulfilling the following conditions:

(1) Having had a domicile in Japan for five or more years consecutively.
(2) Being of full twenty years of age or more, and having legal capacity by the law of his or her country.

[1] Text from *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, p. 39.
[2] A man who marries the female head of a family and becomes a member thereof.

(3) Being of good character.
(4) Having sufficient property, or ability, to secure an independent livelihood.
(5) Having no nationality, or when he or she would lose his or her nationality in consequence of the acquisition of Japanese nationality.

Article 8. The wife of an alien cannot become naturalized, except in conjunction with her husband.

Article 9. The aliens mentioned below, if they are actually in possession of a domicile in Japan, may become naturalized, although they may not have satisfied condition number 1 of paragraph 2 of Article 7:

(1) Those whose fathers or mothers were Japanese.
(2) Those whose wives were Japanese.
(3) Those born in Japan.
(4) Those who have had places of residence in Japan for ten years or more, consecutively.

The persons mentioned in numbers 1 to 3, inclusive, of the preceding paragraph, cannot become naturalized unless they have possessed places of residence in Japan for three years or more, consecutively; but if the father, or the mother, of a person mentioned in number 3 was born in Japan, this rule does not apply.

Article 10. In cases where the father, or the mother, of an alien is a Japanese, if the alien in question is in actual possession of a domicile in Japan, he or she may become naturalized, although he or she may not have satisfied the conditions mentioned in numbers 1, 2 and 4 of paragraph 2 of Article 7.

Article 11. Notwithstanding the provisions of paragraph 2 of Article 7, the Minister of the Interior may, subject to the imperial sanction, permit the naturalization of an alien who has rendered specially meritorious services to Japan.

Article 12. Naturalization must be notified in the "Official Gazette."

Naturalization cannot be set up against a third party who has acted in good faith, until after such notification has taken place.

Article 13. The wife of a person who acquires Japanese nationality acquires Japanese nationality in conjunction with her husband.

The provisions of the preceding paragraph do not apply when the law of the wife's country contains provisions which are contrary thereto.

Article 14. If the wife of a person who has acquired Japanese nationality has not acquired Japanese nationality in accordance with the provisions of the preceding article, she may become naturalized although she may not have fulfilled the conditions of paragraph 2 of Article 7.

Article 15. The child of a person who acquires Japanese nationality

acquires Japanese nationality in conjunction with its father or its mother, if it is a minor according to the law of its own country.

The provisions of the preceding paragraph do not apply when the law of the child's country contains provisions which are contrary thereto.

Article 16. A naturalized person, a person who, being the child of a naturalized person, has acquired Japanese nationality, or a person who has been adopted by, or has become the *nyufu* of a Japanese, does not possess the following rights:

(1) The right to become a Minister of State.
(2) The right to become the President or the Vice President or a member of the Privy Council.
(3) The right to become an official of chokunin rank in the Imperial Household.
(4) The right to become an Envoy Extraordinary and Minister Plenipotentiary.
(5) The right to become a General Officer in the army or an Officer of flag rank in the navy.
(6) The right to become President of the Supreme Court, President of the Board of Audit, or President of the Court of Administrative Jurisdiction.
(7) The right to become a member of the Imperial Diet.

Article 17. The restrictions laid down in the preceding article may in the case of a person who has become naturalized in accordance with the provisions of Article 11, after five years have elapsed from the date of his acquiring Japanese nationality, and in the case of other persons after ten years have elapsed, be removed by the Minister of the Interior, subject to the imperial sanction.

Article 18. A Japanese who, on becoming the wife of an alien, has acquired her husband's nationality, loses Japanese nationality.

Article 19. A person who has acquired Japanese nationality by marriage, or by adoption, loses Japanese nationality by divorce or the dissolution of adoption only when he or she thereby recovers his or her foreign nationality.

Article 20. A person who acquires foreign nationality voluntarily loses Japanese nationality.

Section 2 of Article 20. A Japanese who, by reason of having been born in a foreign country designated by Imperial Ordinance,[1] has acquired the nationality of that country, and who does not as laid down by order express his intention of retaining Japanese nationality, loses his Japanese nationality retroactively from his birth.

Persons who have retained Japanese nationality in accordance with the provisions of the preceding paragraph, or Japanese subjects who, by reason

[1] Imperial Ordinance No. 262 of November 15, 1924, designates the following countries as coming within the meaning of this paragraph: (1) United States of America; (2) Argentina; (3) Brazil; (4) Canada; (5) Chile; (6) Peru.

of having been born in a designated foreign country before its designation in accordance with the provisions of the preceding paragraph, have acquired the nationality of that country, may, when they are in possession of the nationality of the country concerned and in possession of a domicile in that country, renounce Japanese nationality if they desire to do so.

Persons who shall have renounced their nationality in accordance with the provisions of the preceding paragraph lose Japanese nationality.

Section 3 of Article 20. Japanese subjects who, by reason of having been born in a foreign country other than the foreign countries indicated in paragraph 1 of the preceding article, have acquired the nationality of that country, may, when they possess a domicile in that country, effect renunciation of Japanese nationality by obtaining the sanction of the Minister of the Interior.

The provisions of paragraph 3 of the preceding article shall apply, *mutatis mutandis*, to persons who shall have renounced nationality in accordance with the provisions of the preceding paragraph.

Article 21. If the wife and child of a person who loses Japanese nationality acquire the said person's new nationality, they lose Japanese nationality.

Article 22. The provisions of the preceding article do not apply to the wife and child of a person who loses Japanese nationality by divorce, or by the dissolution of adoption. But cases in which the wife is not divorced when the dissolution of the husband's adoption takes place, or in which the child leaves the family together with the father, do not come under this rule.

Article 23. If a child who is a Japanese acquires foreign nationality by acknowledgment, he or she loses Japanese nationality. But this rule does not apply to a person who has become the wife, the *nyufu*, or the adopted child of a Japanese.

Article 24. Notwithstanding the provisions of Article 19, Article 20, and the preceding three articles, a male of full seventeen years of age or upwards does not lose Japanese nationality, unless he has completed active service in the army or navy, or unless he is under no obligation to serve.

A person who actually occupies an official post, civil or military, does not lose Japanese nationality notwithstanding the provisions of the preceding eight articles until after he or she has lost such official post.

Article 25. A person who has lost Japanese nationality by marriage and who is domiciled in Japan after the dissolution of the marriage, may, with the permission of the Minister of the Interior, recover Japanese nationality.

Article 26. If a person who has lost Japanese nationality in accordance with the provisions of Article 20 to Article 21 inclusive is domiciled in Japan, he or she may, with the permission of the Minister of the Interior, recover Japanese nationality. But this rule does not apply to cases in which the persons mentioned in Article 16 have lost Japanese nationality.

Article 27. The provisions of Articles 13 to 15 inclusive apply *mutatis mutandis* to cases coming under the preceding two articles.

Section 2 of Article 27. The procedure relative to the renunciation and recovery of nationality shall be determined by Order.

LAW NO. 94, OF MARCH 29, 1899[1]

CONCERNING THE RIGHTS OF PERSONS WHO HAVE LOST JAPANESE NATIONALITY

[TRANSLATION]

In case a member of a house who has lost Japanese nationality possesses property rights which cannot be enjoyed except by a Japanese, such rights vest in the National Treasury, unless they are assigned to a Japanese within one year.

REGULATIONS (ORDINANCE NO. 26) OF NOVEMBER 17, 1924[2]

[TRANSLATION]

Article 1. Those desiring to become naturalized in accordance with the provisions of clause 1, Article 7 of the Nationality Law shall transmit a petition, together with documents setting forth the facts necessary in fulfilling the process of naturalization, to the Minister of the Interior, through the authorities having jurisdiction over his place of domicile, and shall obtain the permission therefor of the Minister of the Interior.

Article 2. Those desiring to preserve their nationality in accordance with the provisions of clause 1 of Article 20 (2) of the Nationality Law, and being those who are required to submit a report of birth by clause 1 or clause 2 of Article 72[3] of the Census Domicile Law, shall file a report to that effect, together with a report of birth, within the period set forth in Article 69 of the Census Domicile Law.

Those unable to file a statement preserving their nationality within the period specified above, due to an Act of God or other unavoidable cause, the period within which the report may be made shall be calculated from the moment on which the Act of God or other cause shall have occurred.

In the case of those born at sea, the report mentioned in paragraph 1 shall, in accordance with the provisions of paragraph 2 or 3 of Article 75[4] of the Census Domicile Law, be accompanied by a certified copy of the ship's daily log which is required to be filed by the Master.

[1] Text from enclosure with Despatch No. 1279, September 12, 1929, from the American Chargé d'Affaires at Tokyo to the Secretary of State.

[2] Text from enclosure with Despatch No. 17, December 1, 1924, from the American Ambassador to Japan to the Secretary of State.

[3] Providing for the registration of legitimate and illegitimate children.

[4] Providing for the registration and reports of births at sea.

Article 3. Those desiring to divest themselves of Japanese nationality in accordance with the provisions of Article 20 (2) of the Nationality Law, shall file a report with the Minister of the Interior through the Japanese embassy or legation of the country in which they reside.

The report referred to in the previous paragraph shall be made in the case of those less than fifteen years of age, by their legal representative. In the case of those not of age and more than fifteen years of age, or of legal incompetents, the report shall be filed only with the consent of their legal representatives.

Whenever the report mentioned in the preceding paragraphs is to be made by a stepfather, stepmother, or guardian, or whenever the consent of such persons is required, the consent of the family council shall also be obtained.

Article 4. The report mentioned in the preceding article shall be accompanied by the following documents:

(1) Certified copy of census domicile.
(2) A certificate of birth issued or authenticated by an official of the country of birth.
(3) Whenever the consent of third parties is required by paragraphs 2 or 3 of the preceding article, their consent in written form.

Article 5. Those desiring to divest themselves of Japanese nationality in accordance with the provisions of clause 1 of Article 20 (2) of the Nationality Law shall in accordance with the provisions of Articles 3 and 4, seek to obtain the permission of the Minister of the Interior.

Article 6. The consent to the divestment of Japanese nationality shall become effective thirty days after the day following the date of the certificate of consent.

Article 7. Whenever the Minister of the Interior shall receive a report of the divestment of Japanese nationality, or whenever his consent is given for the divestment of Japanese nationality, the Minister of the Interior shall make it public.

Article 8. Those desiring to recover their Japanese nationality in accordance with the provisions of Article 25 or 26 of the Nationality Law, shall seek to obtain the consent of the Minister of the Interior in accordance with the provisions of Article 1 above.

Whenever the petition for the consent referred to in the preceding paragraph is required of one less than fifteen years of age, who has lost his nationality in accordance with Article 20 (2) or (3) of the Nationality Law, the request shall be made by his father; if the father is unable to make this request, then by the mother; and if she be unable also, then by a grandfather, and if either one be unable to do so, then by a grandmother.

Supplementary Provisions

This ordinance shall become effective on December 1, 1924.

Ordinance No. 8 of the Department of the Interior is hereby revoked.

Applications for the divestment of Japanese nationality made in accordance with the provisions of Ordinance No. 8 before the date on which this ordinance shall become effective, shall, in the case of those Japanese who have acquired foreign nationality by reason of birth in any foreign country specified in Imperial Ordinance No. 262 of 1924, be regarded as applications for the divestment of Japanese nationality required by this ordinance; and they shall be regarded as having been made on the date on which this ordinance shall become effective.

JUGOSLAVIA

(Formerly Kingdom of the Serbs, Croats, and Slovenes)

EDITORS' NOTE. The Civil Code of 1844[1] determined the mode of acquiring Serbian citizenship, while the decree of May 2, 1844 regulated naturalization and release of Serbs from their citizenship. This decree was modified by that of August 14, 1851. Section 7 of the order of January 20, 1860, which related to deserters, dealt with certain conditions under which the oath of allegiance could be administered. The order of May 15, 1860 enacted certain formalities for naturalization. It was provided in the Constitution of 1869 (Article 22),[2] that conditions for admission to and the loss of nationality were determined by law, i.e., of the Civil Code. Article 29 of the Constitution of June 5, 1903[3] provided that Serbs could relinquish their nationality only after having performed their military service. The decree of November 25, 1920,[4] dealt with the acquisition of nationality of the Kingdom of the Serbs, Croats and Slovenes by means of option or petition. Provisions similar to those of the Constitution of 1903 were included in the Constitution of June 28, 1921.[3] The law of September 21, 1928, replaced the previous laws. The Civil Code of 1844 is in force as regards nationality only in so far as provided by paragraph 1 of Article 53 of the law of September 21, 1928, i.e., for establishing Jugoslav nationality in cases antedating December 1, 1928. The present name of the Kingdom was officially adopted in 1929.

BIBLIOGRAPHY: "Le droit international privé en Yougoslavie," *Bulletin de l'Institut intermédiaire international* (1926) 240; Cahn, 550; "Law of nationality," Note, Clunet (1884) 15; Cit. Bd. Report (1906) 507; Keller-Trautmann, 771; Lehr, 177; Magnus, 62; Pawlovitsch, "De la condition juridique des étrangers en Serbie," Clunet (1884) 5; J. Péritch, "De la nationalité suivant la législation serbe," Clunet (1899) 940; J. Péritch, id. (1900) 90; J. Péritch, "Un cas de naturalisation collective en dehors de toute cession de territoire," *Rev. de dr. int. et de lég. comp.*, 2d series, II (1900) 184; Zeballos, I, 298.

For the text of the Civil Code of 1844, in French, see Antoine de St. Joseph, *Concordance entre les Codes civils étrangères et le Code Napoléon*, VIII, 447; in German, see Hamburg Polizeibehörde, *Gesetze über die Staatsangehörigkeit* (1898) 308. For comment on the decree of January 20, 1860, see Clunet (1884) 16. For comment on the Constitution of 1869, see ibid. For the text of the decree of November 25, 1920, in French, see Official Journal, December 6, 1920, No. 271; *Rev. de dr. int. pr.* (1921) 428.

LAW OF NATIONALITY OF SEPTEMBER 21, 1928[5]

[TRANSLATION]

Article 1. There is one nationality for the entire Kingdom of the Serbs, Croats and Slovenes (Article 4 of the Constitution).

How nationality is acquired and how terminated in the territory of the Kingdom is prescribed by this law.

[1] Cit. Bd. Report (1906) 507.
[2] G. Pavlovitsch, "De la condition juridique des étrangers en Serbie," Clunet (1884) 5, 16.
[3] Despatch No. 689, December 10, 1929, from the American Chargé d'Affaires at Belgrade to the Secretary of State.
[4] *Rev. de dr. int. pr.* (1921) 428.
[5] Text from enclosure with despatch of February 9, 1929 from the American Consul at Belgrade to the Secretary of State.

Article 2. A subject of the Kingdom of the Serbs, Croats and Slovenes cannot be at the same time a national of another state.

Article 3. Exact evidence of domicile (*Zavičajnost*)[1] shall be produced with respect to all persons claiming nationality in the Kingdom.

Every subject must have a domicile in one of the communes (*općina*) of the Kingdom in accordance with the Regulations of Domicile.

Foreign nationals cannot have their domicile within the communes of the Kingdom.

But for the purpose of acquiring nationality they may obtain a permit from one of the communes that will be accepted in lieu of domicile for the purpose of acquiring the nationality of the Kingdom.

Each commune shall keep the necessary register of domicile for the purpose of evidence.

The Minister of the Interior is hereby authorized to prescribe by decree special regulations concerning the evidence required of nationals and foreigners (Article 94, Part 2 of the Constitution).

Article 4. The competent administrative authority of first instance shall upon the application of any subject of the Kingdom, and on the basis of a duly presented certificate of domicile, issue him a certificate of nationality.

The Acquisition of Nationality

Article 5. The nationality of the Kingdom, according to this law, is acquired as follows:

(1) By descent (Articles 7 and 8).
(2) By birth on the territory of the Kingdom, in cases prescribed in Article 9.
(3) By marriage (Article 10).
(4) By naturalization (Articles 11–19).

Origin

Article 6. Nationality by descent is acquired through birth or legitimation.

Article 7. Nationality by birth is acquired by the

(a) legitimate child of a subject, regardless of the place of birth;
(b) by the illegitimate child of a female subject regardless of the place of birth.

Article 8. By legitimation effected in accordance with the provisions of the laws of the Kingdom an illegitimate child of a male subject of the Kingdom and a female alien is considered to be a subject of the Kingdom from the date of its birth, provided it has not attained twenty-one years at the moment of legitimation.

[1] The word translated as "domicile" herein denotes membership in a community and possession of certain rights. It seems to be equivalent to the *Heimatrecht* of the Austrian law. (See note, 4, ante, p. 15.)

Birth on territory

Article 9. A child born of unknown parents, or of parents whose nationality remains unknown, is considered to be a subject of this Kingdom until the contrary is proven, provided the child was born or found on the territory of this Kingdom.

Marriage

Article 10. An alien woman becomes a national on marrying a subject of this Kingdom, unless prior to marriage she has by declaration retained her original nationality and provided such declarations are valid under the laws of her own country.

Naturalization

(A) CONDITIONS

Article 11. Alien nationals may become subjects of the Kingdom by ordinary or extraordinary naturalization.

Article 12. The ordinary procedure of acquiring nationality requires the foreign citizen to fulfil the following conditions:

(1) Application for nationality.
(2) Must be at least twenty-one years of age at the time of filing the application.
(3) Must have resided for at least ten consecutive years on the territory of the Kingdom at the time of application.
(4) Must have a release from original nationality or an established guaranty that such release will be issued.
(5) Must be of good conduct.
(6) Must be able to sustain himself and his family, and
(7) A domestic commune must have assured them that they will be admitted into the membership of the commune.

A woman bound by marriage cannot obtain nationality independently.

The condition referred to above under section 4 may be replaced, in the case of individuals without nationality or of persons whose former country does not permit by its laws a release from nationality or prescribes loss of nationality by reason of acquiring alien nationality, by a declaration to the effect that the original nationality is forsworn by them in order that they may become Jugoslav subjects.

Persons of Serb-Croat-Slovenian origin may acquire nationality in the ordinary manner provided they fulfil the conditions prescribed under sections 1, 2, 5 and 6 of this article. If they were born or have resided during three years within the limits of one and the same commune on the territory of Jugoslavia they are exempt from the formality of complying with section 7 of this article; by the fact of their acquiring nationality they become domiciled members of the commune where they were born or where they were residing.

(B) PROCEDURE

Article 13. Persons complying with sections 1–7 of Article 12, and who have been at the time of the application residing for at least thirty consecutive years on the territory of the Kingdom of the Serbs, Croats and Slovenes without fulfilling any obligations with respect to their former country during the last ten years, are granted the right of acquiring nationality by regular procedure.

Article 14. The following persons may obtain nationality even before the expiration of the ten-year period without release from alien nationality provided they comply with the other conditions set forth under Article 12.

(1) Alien citizens who have officially joined one of the domestic universities as professors.
(2) Persons whose acceptance as subjects of the Kingdom of the Serbs, Croats and Slovenes is a matter of State interest.
(3) Persons having performed some notable service for the Kingdom of the Serbs, Croats and Slovenes.

If such persons do not fulfil the conditions of section 7 of Article 12 of this law they acquire a domicile in the commune where they have settled.

Article 15. Decisions in connection with the acquiring of nationality under Article 12 are issued in the judgment and discretion of the Minister of the Interior.

Decisions under Article 13 are made by the Prefect (*Veliki Zupan*).

Cases of extraordinary naturalization are examined and the decisions with reference thereto are set forth by the Minister of the Interior in accordance with the decision of the Council of Ministers.

Article 16. The application for acquisition of nationality must be submitted to the administrative authority of the first instance in the district (jurisdiction) of which is located the commune, which has assured to the applicant admission to communal membership, or which comes under consideration within the meaning of the last paragraph of Article 14 of this law.

The administrative authorities of first instance will submit the case accompanied by the necessary documents to the Prefect (*Veliki Zupan*) who is entitled to reject the application if the conditions provided for under Article 12 (sections 1, 2, 5 and 6) are not fulfilled, or in the case of extraordinary naturalization as under Article 14.

Appeal from the decision of the Prefect (*Veliki Zupan*) to the Ministry of the Interior is permitted.

In case, however, the Prefect (*Veliki Zupan*) considers that the above conditions are fulfilled, he is to submit the case, accompanied by a statement relating to his opinion thereof, to the Minister of the Interior, provided the case is not settled by other instances in accordance with Article 15, section two.

Article 17. The person who is, by decision of the Minister, about to acquire nationality by naturalization, has to take the following oath before the administrative authorities of the Kingdom:

> I, ..., becoming a subject of the Kingdom of the Serbs, Croats and Slovenes, swear before God Almighty that I will always be faithful to the ruling King, that I will truthfully follow the Constitution and the other laws, will truly fulfil my duties as a subject and will serve the interests of the State and Nation of the Kingdom of the Serbs, Croats and Slovenes. So help me God.

The administrative authority will forward the original protocol of the oath so administered to the Ministry of the Interior which will immediately issue a certificate of naturalization.

This certificate of naturalization must contain the names of all persons who have acquired citizenship in the Kingdom through this naturalization.

(c) ACTION

Article 18. Naturalization is not retroactive. The naturalized person becomes a national of this Kingdom only from the moment when he has taken the oath in accordance with the above article, from which date he acquires full citizenship and political rights, in so far as special laws do not restrict these rights.

Article 19. Naturalization is conferred also upon his children under twenty-one years of age and upon his wife, unless she declines the nationality of the Kingdom for the purpose of retaining the nationality which she had before her marriage, if this is authorized under the laws of her country.

Article 20. If the person whose naturalization has been accorded by the decision does not depose an oath within six months from the date of notification he cannot acquire the nationality of this Kingdom on the basis of that decision.

LOSS OF NATIONALITY

Article 21. The nationality of the Kingdom of the Serbs, Croats and Slovenes is lost through:

(1) Release (Article 27).
(2) Non-residence in the Kingdom (Article 28).
(3) Marriage (Article 29).
(4) Adoption (Article 30).
(5) Declination (Article 31).
(6) Deprivation (Articles 32 and 33).

Release

(A) CONDITIONS

Article 22. Any citizen may obtain release from nationality after he has complied with all obligations towards the state (Article 20 of the Constitution).

Article 23. No release from the nationality of the Kingdom will be granted to:

(1) Persons who are liable to serve in the army in so far as the regulations of the Military and Naval Law forbid it.
(2) Persons under investigation or on trial for criminal action.
(3) Persons who have been condemned to penal servitude and have not served their sentences.
(4) Persons who have not paid their fines.
(5) Persons who have not paid their state or other taxes.

Nor will release from nationality be granted to state employees in the military or civil service, national deputies, ministers in foreign countries, or officials and employees of autonomous institutions.

Article 24. No subject of the Kingdom shall be granted release if such release affects the interest of public or private persons towards whom he is in legal relationship.

Article 25. A subject who has reached the age of twenty-one years will be entitled to release from nationality if he proves that he will become or that he has been accepted as a citizen of a foreign state and has fulfilled all the other conditions.

(B) PROCEDURE

Article 26. Persons who desire to be released from nationality of the Kingdom for the purpose of acquiring foreign nationality should apply for the release of nationality. These applications should contain the necessary proofs and should be presented to the administrative authority of first instance.

The administrative authority of the first instance will make public announcement for a period of fourteen days of the application for release from nationality with a summons to the effect that anybody may make objection to the release if he proves the non-existence of the conditions stipulated in Articles 23 and 24 of this law, or that in other respects the applicant has not fulfilled his legal obligations.

If the protests prove that the person is:

(a) Under execution,
(b) Sued under civil procedure, or
(c) Under bankruptcy procedure

the publication will be prolonged for a period of twelve months.

At the end of the publication period the first instance administrative authority will refer the case to the proper prefecture who is to refuse the application if the legal conditions for release of nationality have not been fulfilled. Protests against the decision of the Prefect may be presented to the Ministry of the Interior.

If the Prefect finds that there are no real objections to acting upon the application he will forward the case to the Ministry of the Interior for decision.

The Ministry of the Interior, after verifying the legal conditions, will issue a certificate of release of nationality. This certificate shall contain the names of each member of the family of the person in question who are at the same time released from nationality.

(c) ACTION

Article 27. The loss of nationality in the Kingdom is effected through the release of nationality only provided the person in question has acquired foreign nationality or if he resides permanently outside the Kingdom, or if he emigrates within one year.

The loss of nationality in the Kingdom of the person who acquired legal release of nationality will be from the day when the certificate of release has been issued.

Absence

Article 28. A subject of the Kingdom who resides permanently outside of the Kingdom, being more than twenty-one years of age and who for the period of thirty years has not fulfilled any of the obligations towards his native land, ceases to be a subject of the Kingdom.

Marriage

Article 29. A female subject of the Kingdom loses her nationality through marriage to a foreign national except in cases where according to the provisions of the laws of her husband's country she has not acquired his nationality or where she has retained the nationality of the Kingdom by means of a marriage contract or, in case no such contract exists, if she has made a declaration to that effect when her marriage took place.

Adoption

Article 30. The illegitimate child of a female subject of the Kingdom and a male subject of a foreign country, under twenty-one years of age, loses its nationality if it has acquired foreign nationality through legitimation in accordance with the laws of its father's country.

This regulation does not apply to an illegitimate daughter who is married to a subject of this Kingdom.

Renunciation of nationality

Article 31. Subjects of the Kingdom through origin (by birth or by adoption) have the right to declare within three years after they have reached the age of twenty-one years that they decline nationality of the Kingdom, if they were born in a foreign country and are permanently residing there, and if they prove that the foreign country in which they were born considers them as its subjects in accordance with its own laws.

The necessary proofs together with the declaration will be presented through the proper administrative authorities of first instance to the Ministry of the Interior, the decision of which will certify that they have ceased to be subjects of the Kingdom from the day when the declaration was made.

The regulations of this article are not to be applied in the case of an already married daughter.

Deprivation of nationality

Article 32. Subjects lose their nationality upon enlistment in the army or on entering the civil service of a foreign country without a permit for that purpose from the authorities and who remain there in spite of the order of the Minister of the Interior to leave the same.

The Ministry of the Interior will publish a summons in the Official Journal (*Sluzbene Novine*) at intervals of two months; if the person in question does not respond to this summons within two months more the Ministry of the Interior will issue a decision by which the subject will be deprived of his nationality.

The decision will be published in the Official Journal.

The loss of nationality does not free the person in question of consequences arising from non-fulfilment of military duties.

Article 33. A subject of the Kingdom who before naturalization was a subject of a country with which this Kingdom is at war, may lose his nationality in the following cases:

(1) If it is proved that he has committed any act to the detriment of public order or to the damage of the Kingdom's safety within or without.
(2) If proved that he has left the Kingdom for the purpose of evading military service or some other public service constituting duty to the Kingdom.
(3) If proved that he is in the secret service of the foreign country at war with the Kingdom or that he supports attempts directed against the rights and the national interests of the state.

Deprivation of nationality in the above cases is resolved by the Minister of the Interior in accordance with the decision of the Minister's Council. The decision should be published in the Official Journal.

Article 34. The Minister of the Interior may extend the deprivation of nationality to the wife and minor children of the former subject if they come under Article 33. If not, these persons do not lose their nationality.

Act of losing nationality

Article 35. The loss of nationality does not free the person in question from punishment as a consequence of his criminal actions and cannot damage the acquired rights of public and private persons with whom he held legal relations.

Article 36. A person who has lost his nationality in accordance with Article 33 loses all the rights which he had derived from public and legal relations with the state and he can never in future acquire nationality in the Kingdom through naturalization.

Article 37. The loss of nationality applies to the legal wife and children only in case they have acquired a new nationality of the husband or father. In a contrary case they retain the nationality of the Kingdom until they emigrate from the territory of the Kingdom permanently.

Renewal of Nationality

Article 38. A former subject of the Kingdom may regain his nationality under the same conditions as other foreigners.

Article 39. A person who has lost the nationality of the Kingdom because his father became through naturalization a subject of some foreign state may claim a renewal of Jugoslav nationality within a year's time after he becomes 21 years old, provided he is permanently domiciled in Jugoslavia.

The same is applicable to persons mentioned under Article 30 who have lost their nationality by adoption.

The provisions of the present section are not applicable to an already married daughter.

Article 40. A former subject of the Kingdom who has lost her nationality because of her marriage to a subject of some other state may in case of divorce or separation, or in case she becomes a widow, claim renewal of Jugoslav nationality, provided she is permanently residing in the Kingdom and submits an application.

This renewed nationality is not extended to the legitimate children born from her marriage to the alien subject.

Article 41. Persons mentioned under Articles 39 and 40 are to submit the necessary proofs through the competent administrative authority of first instance to the competent Prefect (*Veliki Zupan*) who may in case of inadequate conditions, reject the application or else submit it to the Minister of the Interior who will confirm it by a decision to the effect that the given person has from the date of the application again become a subject of the Kingdom.

Such persons acquire the right of domicile where they formerly had it, together with their nationality.

1. Material Regulations

Article 42. Unless otherwise provided by this law, a legitimate child under twenty-one years of age follows, with respect to acquisition or loss of nationality, his father, or, in the absence of a father, his mother, and an illegitimate child under twenty-one years of age, his illegitimate mother.

The above does not apply to an already married daughter.

A posthumous legitimate child takes the nationality of its father.

Article 43. Wives do not follow the nationality of their husbands in case at the time of a change of nationality there was by a court judgment (decision) a legal separation, divorce or annulment of the marriage.

A legal reconciliation between a married couple separated legally has the same effect on nationality as a marriage.

Article 44. The annulment of a marriage by court decision affects the woman in the sense that she resumes the nationality which she had before marriage; as regards the children, the latter follow the mother's nationality only in case they have their regular residence in the territory of the Kingdom, or in case they settle permanently therein.

Article 45. The marriage of a widow to a person who is not the father of her children has no influence on the nationality of the latter.

Article 46. Adoption has no influence upon the nationality of the adopted.

Article 47. Provisions of the present law, in so far as they concern alien citizens, are valid for persons without nationality or for persons whose nationality remains unknown.

2. Formal Regulations

Article 48. The Prefect (*Veliki Zupan*), as an authority of first instance, is competent in all controversies arising in the nationality of given persons, with the exception of questions in connection with their domicile.

Article 49. For the application of the present law decisions will be issued by the administrative authority of first instance of that administrative unit where the person is recorded; in case, however, that the place of recording cannot serve as basis, decisions are to be issued by the administrative authority of first instance of that administrative unit where the person in question has his regular residence or, in case such does not exist, the place of birth, or the place where the case was begun.

Article 50. If the regulations regarding the acquirement or loss of nationality require the declaration of a person, such declaration should be submitted in a certified form.

In case the declaration is given by a minor female child in connection with marriage or by a married woman in connection with Article 40 of the present law, the approval of the tutor or legal representative is required.

Article 51. A regulation covering the execution of this law will prescribe the form of testimony relating to nationality, release from nationality and naturalization.

Article 52. Acquirement of nationality by naturalization and the loss of nationality will be published in the Official Journal at the close of each calendar year.

Temporary Regulations

Article 53. The following persons are considered to be subjects of the Kingdom at the date of entering into force of the present law:

(1) Persons who at the date of the Unification (December 1, 1918) were subjects of the former Kingdom of Serbia or of the former Kingdom of Montenegro, as well as such persons who at the date of the Unification were subjects of the former Kingdom of Croatia-Slavonia and had not lost such nationality in accordance with the provisions of the Treaty of Peace.

(2) Persons who were granted the nationality of this Kingdom by the Peace Convention with Austria (St. Germain), Articles 70–82; with Hungary (Trianon) Articles 61–66; with Bulgaria (Neuilly) Articles 39–40, or who have acquired this nationality in accordance with the provisions of these peace agreements.

(3) Persons who were naturalized as subjects of this Kingdom before the entry into force of the present law.

(4) Persons who by birth and language are Serbians, Croatians, or Slovenians and are fulfilling conditions under Article 12, sections 2, 5 and 6, and who at the date of the entry into force of the present law had submitted applications for the acquirement of nationality to the competent authorities.

(5) Persons who by birth and language are Slavs and have been living at least twenty years on the territory of the Kingdom of the Serbs, Croats and Slovenes, and who prior to the enforcement of the present law submitted applications with respect to the acquirement of nationality to the competent authorities.

(6) Persons who by birth and language are Slavs, who have submitted applications relative to the acquirement of nationality or are in the employ of the state, or have for two years at least been in the service of the state and have been residing on the territory of this Kingdom for at least five years.

(7) Persons who on the day of December 1, 1918, had a domicile in some community which was not included in the Kingdom but were residing on the territory of the Kingdom in the employ of some public transportation or other service later taken over by the state and who were thus serving the state and who have moreover submitted an application with respect to acquiring nationality to the competent authorities.

(8) Persons who on the date of entry into force of this law fulfil conditions set forth under Article 13, and who have on that date submitted applications to the effect that they desire to become Jugoslav subjects.

(9) a. Legitimate children mentioned in previous paragraphs, born after the Unification of the Kingdom or after the date their parents became subjects of this Kingdom, before the enforcement of the present law.

b. An alien subject (female) who at the same time has married a person mentioned in the previous paragraphs.

c. Illegitimate children of a female subject who is among persons enumerated in the above paragraphs, should they be born within the same period.

d. Legitimate children of subjects who are enumerated among persons listed above, in case the legitimation is effected within the same period and in case the children were at that time minors.

(10) Persons born on the territory of the Kingdom, whose origin is unknown, and who cannot be identified as citizens of any alien state nor obtain the citizenship of any alien state. Without proof to the contrary as regards their origin foundlings encountered on the territory of the Kingdom are considered to be born on the territory of the Kingdom (native born).

Persons enumerated under sections 4, 5, 6, 7, and 8 above must submit the necessary proofs (within one year after the date of the going into effect of the present law) to the competent authorities of first instance (administrative), and the latter will issue them certificates of nationality in case the Prefect (*Veliki Zupan*) finds that all required conditions are fulfilled; such persons acquire a domicile in communities where they reside, in so far as they do not fulfil conditions of Article 12, section 7 of the present law.

In case the Prefect (*Veliki Zupan*) ascertains that conditions relating to acquirement of nationality are not fulfilled he may reject the case. Complaints may be filed and submitted to the Ministry of the Interior. In case the persons mentioned above do not submit proofs to the administrative authorities of first instance within the limit of time indicated it will be considered that they do not claim to be subjects of the Kingdom.

Article 54. For persons mentioned in sections 2, 3, 4, 5, 6, 7, and 8 of Article 53, or naturalized subjects (nationals) who have been or shall be accepted into the service of the state or who accept some public office, allowance will be made for time which shall have been passed in the service of the state or autonomous organs, or in other public service, or time spent in accordance with the provisions of the Law concerning Officials and Other State Civil Employees, the Law of State Communication Personnel, and the Law of Organization of the Army and Navy, provided such persons have served on the territory of some former state which comes under the provisions of the peace agreements referred to above, in section 2 of Article 53.

Article 55. The nationality of inhabitants of former provinces of the Turkish Empire, which regions were attached to the Kingdom after the wars of 1912 and 1913 are regulated by the following provisions:

Former Turkish subjects who were on August 25, 1913, inhabitants of some community of the territories united to the former Kingdom of Serbia, as well as those who on November 8, 1913, were inhabitants of some community of the territories annexed by the former Kingdom of Montenegro and who have since resided there until December 1, 1928, are considered as subjects of the Kingdom.

Persons who have emigrated to Bulgaria, and who return to this Kingdom within three years from the date of the enforcement of the present law, will be considered as subjects of the Kingdom upon decision of the Minister of the Interior.

Persons of non-Slavic origin who, in accordance with the second paragraph of this article, have become subjects of the Kingdom may cease to be subjects of Jugoslavia in case they submit a declaration to that effect within five years from the date of the enforcement of the present law to the competent administrative authorities of first instance.

The administrative authorities of first instance will at once forward the declarations mentioned to the military and civil authorities and the latter shall at once erase their names from the military and civil lists.

Such persons must leave the Kingdom within one year from the date of their declaration and are granted the right to carry with them all their movable property without paying any fees.

The Council of Ministers will, at the request of the Minister of the Interior, prescribe alleviations with respect to such emigrants, their emigration and the sale of their property.

Article 56. Subjects who after the Unification of the Kingdom and prior to the enforcement of the present law have obtained from the Ministry of the Interior a regular release from nationality as well as for their lawful wives and their legitimate children under twenty-one years of age (at the time of the release) are no longer considered subjects of the Kingdom.

This is equally applicable to illegitimate children of a female subject who has within the above period obtained a regular release, in case the children at the time of the release were less than twenty-one years of age; it is also applicable to a female subject who within the same period married an alien and thus has obtained foreign citizenship.

Persons who have chosen alien nationality or have obtained alien nationality in accordance with peace treaties mentioned under Article 53, section 2, are no longer considered as subjects of the Kingdom.

Article 57. For all persons residing on the present territory of the Kingdom of the Serbs, Croats and Slovenes prior to December 1, 1928, the term of ten years prescribed under Article 12, section 3, begins with the date of Unification, that is, December 1, 1918.

The term of thirty years prescribed under Articles 15 and 28 will be calculated from January 1, 1900, at the earliest.

Serbs, Croats, and Slovenes who have emigrated from this state and who according to Article 28 of this law have lost their nationality as subjects of the Kingdom have the right to acquire it anew in accordance with a declaration under Article 41 made within ten years subsequent to the entering into force of the present law.

Article 58. The following persons may obtain Jugoslav nationality under the provisions of Article 14 even if they have not obtained a release from

their original nationality and even if they have not resided ten years on the territory of the Kingdom:

(1) Alien subjects who during previous wars were in the military or civil service of the former Kingdom of Serbia or of the former Kingdom of Montenegro, or in Jugoslav Voluntary Troops.
(2) Russian subjects of Slav origin who are residing in Jugoslavia as emigrants (refugees).

Applications must be submitted within six months from the date of the entry into force of this law.

Article 59. Provisions of Article 40 are also applicable to the separated, divorced wife or widow of an alien citizen who married prior to the Unification of the Kingdom and who had she not married, would have been considered as a subject of this Kingdom.

Article 60. Until such time as a single law determines the question of domicile for the whole of the Kingdom, in those regions in which this institution (communal membership) is not recognized, a declaration of the commune that it is willing to admit a specified person into the community shall take the place of the stipulated conditions of section 7 of Article 12 of this law.

Article 61. This law cancels all legal provisions in connection with the acquirement or loss of nationality which are at present in force in the Kingdom of the Serbs, Croats, and Slovenes or in separate regions forming the Kingdom.

This law does not amend the provisions covering the acceptance of foreigners for domicile within the territory of the former Austro-Hungarian territory which has now become a part of the Kingdom.

Article 62. This law does not affect the provisions of international agreements which were made prior to the enforcement of the present law.

Article 63. The Minister of the Interior is authorized to issue detailed regulations with respect to the enforcement of the present law.

Article 64. This law enters into force when it is confirmed by the King [September 21, 1928] and becomes valid the day it is published in the Official Journal [November 1, 1928].

LAW OF SEPTEMBER 6, 1929[1]

REGARDING THE ORGANIZATION OF THE ARMY AND THE NAVY

[TRANSLATION]

Article 8. Citizenship of this Kingdom may not be relinquished before the performance of military service, except by decision of the Prime Minister.

Article 42. Active military service shall fall due in that calendar year in which the recruit attains the age of twenty-one years, and be for a term of

[1] Text from enclosure with Despatch No. 662, October 5, 1929, from the American Minister to Jugoslavia to the Secretary of State.

eighteen months, for all categories of arms and technical services except the Navy and Air Service: wherein the term shall be for two years.

Article 45. Anyone purposely avoiding active service shall serve *three years* if taken before the age of forty. Military taxes as provided in the present law (see Articles 227, 228 and 231) shall be levied on the property and income of such a person, from the day on which his obligation for active service falls due until the date of his actual entry on service.

Persons permanently residing abroad for the purpose of earning their livelihood, whether in Europe (except in neighboring countries) or in trans-oceanic countries, as immigrants or who have become naturalized in such countries, or who reside there temporarily, but departed from this Kingdom five years or more prior to recruitment, shall not be considered as avoiding service if they report to our military or civil representatives in the country of their residence when the military obligation falls due and not later than the attainment of twenty-five years of age, and settle their obligation. All such persons not returning to this Kingdom for permanent or temporary residence before the age of twenty-five shall be exempted from active service in time of peace, unless special circumstances require their performance of active service earlier; subject to decision of the Minister of War and Marine in agreement with the Prime Minister. In the event of mobilization and war it shall be the duty of such persons to return immediately and report to their military Commands, if under obligations to serve and capable of active service. Those persons failing to comply with these conditions or to settle their military obligations with our military or civil representatives in the country of their residence before the age of twenty-five shall be regarded as deserters.

All persons referred to in the second paragraph of this article shall be permitted to visit their native land for private business during the period of their liability for military service, every third year, and to remain not more than three months, but shall be required thereafter to return to the country of their foreign residence or whence they came. Those failing to depart again within the prescribed time, as well as those returning to their native land for permanent or temporary residence, shall serve, if capable, as follows:

(1) Persons returning before the age of twenty-seven shall serve the full period of their liability under the provisions of this law.
(2) Persons returning after the age of twenty-seven but before the age of thirty-two shall serve nine months, if liable during that period, according to their family status.
(3) Persons returning after the age of thirty-two shall not serve in the active army but shall be inscribed in the reserve ranks as liable for military service.

Emigrants, as in the second paragraph of the present article, not returning for permanent residence to their native land before the age of thirty-two, shall likewise be inscribed in the reserve ranks as liable for military service.

Permits to leave this country shall not be delivered to young men in the calendar year of their eighteenth birthday, and such permits may only be delivered after their completion of their active service or settlement of their military obligation.

All our subjects mentioned in the present article, who of their own accord and without permission of the Prime Minister engage in the military service of the foreign state of their residence, shall by this act lose their citizenship and cease to be our subjects, if such act is verified by our military or civil representatives in that foreign state.

Article 52. The active service of a recruit may be postponed in the following cases: . . .

(f) In case recruits resident abroad are summoned in accordance with Article 45 of this law, such recruits may be authorized, upon their request, to postpone their active service until the age of twenty-three, if permanently or temporarily residing in Europe but not in neighboring countries, or until the age of twenty-seven if permanently or temporarily residing in transoceanic countries.

Article 333. The provisions of Article 45 of this law shall be enforced with respect to all our subjects resident abroad in Europe (except in neighboring states) or in transoceanic countries before the date of publication of this law, and who have not fulfilled their military obligations, provided, however, that:

(1) They report and settle this obligation as follows: Persons residing in Europe (except in neighboring states), within one year, and persons residing outside of Europe, in transoceanic countries, within two years from the date of enforcement of this law. Those failing to take advantage of this provision, provided the periods mentioned in paragraph two of Article 45 have elapsed, and those persons referred to in the penultimate paragraph of the same article, shall suffer the consequences provided in the same article.

(2) The provisions of points 1, 2 and 3 of Article 45 of this law, respecting the term of active service, shall also apply to all our subjects referred to in paragraph two of the said article, who returned to their native land before the proclamation of the present law and are now on active service for a term of three years.

LATVIA

EDITORS' NOTE. The law of August 23, 1919 was supplemented by that of October 7, 1921. The nationality law of June 2, 1927 enacts further provisions concerning Latvian nationality.

BIBLIOGRAPHY: Magnus, 66; Schwartz, 143.

For the text of the law of August 23, 1919, in Latvian, see *Reggsanzeiger*, No. 127; in English, see 114 *Br. and For. St. Papers*, 856; in German, see Schwartz, 285. For the text of the law of November 1919, in French, see *Rev. de dr. int. pr.* (1921) 145. For the text of the law of 1927, in English, see *Br. Parl. Papers*, Misc. No. 8 (1927), Cmd. 2970.

LAW OF AUGUST 23, 1919[1]

[TRANSLATION]

1. As a Latvian citizen shall be considered every subject of former Russia, irrespective of nationality and creed, who lives on Latvian territory, hails from districts forming the territory of Latvia, or who belonged already to such districts, in accordance with the Russian law, prior to August 1, 1914, and has up to the day of the promulgation of the present law acquired no other citizenship.

2. Citizens who temporarily reside outside Latvia, but otherwise answer the conditions mentioned in Article 1, shall not lose the claim to Latvian citizenship, if within one year from the day this law was promulgated, they return to Latvia, or register themselves as Latvian citizens with any Latvian diplomatic mission abroad, or inform the Minister of the Interior of their wish to remain Latvian citizens.

Note: In countries with which Latvia has no diplomatic contact, the year (allowed for claiming citizenship) shall be counted from the day such contact is established.

3. Subjects of former Russia, who permanently reside outside Latvia, but who hail from districts (now) belonging to Latvian territory, as well as the descendants of such persons, likewise also persons permanently residing in Latvia, but who do not answer the conditions stipulated in Article 1, provided they desire to acquire the rights of Latvian citizenship, shall file applications for Latvian citizenship with the Minister of the Interior, who shall be held to submit such applications, together with his comments, to the Cabinet of Ministers for decision. Persons residing in Latvia, shall file applications within six months after the promulgation of this law.

Note: On such Latvian territories where no organs of civil administration are functioning as yet, the (prescribed) term of six months shall be counted from the day such organs are established.

4. Subjects of foreign countries may be admitted to Latvian citizenship,

[1] Text from enclosure with Despatch No. 2695, February 24, 1925, from the American Minister to Latvia to the Secretary of State.

if they have lived on Latvian territory five years without interruption. Applications (in such cases) are to be filed with the Minister of the Interior, and shall be decided by the Cabinet of Ministers.

Note: The time from August 1, 1914, to August 1, 1919, shall not be included in the required five years' period as stipulated in this article.

5. In consideration of special services rendered to the State of Latvia, foreign subjects mentioned in Article 4 may, having applied to the Minister of the Interior, acquire the rights of Latvian citizenship without a previous permanent sojourn of five years in Latvia, by special resolution of the National Council of Latvia.

6. Resolutions concerning the granting of citizenship rights shall be published after the new citizen has taken the oath of allegiance, or a solemn promise in lieu thereof. Citizenship rights shall be considered as being acquired by such oath or solemn promise.

7. The citizenship of minors, including also legitimized and adopted (children), shall, before they have attained majority, follow the citizenship of their parents or adopted parents. A woman, by marrying, acquires the citizenship of her husband. A Latvian woman, married to a foreigner, may be readmitted to Latvian citizenship upon the termination of the marriage by complying with the conditions laid down in Article 2, without any limit in regard to time.

8. Nobody may at one and the same time be a Latvian citizen and the citizen (or subject) of another state. Otherwise he shall lose the rights of Latvian citizenship.

9. Latvian citizens desirous of resigning Latvian citizenship, shall file a corresponding application with the Minister of the Interior. In such application must be stated which other country's citizenship the applicant wishes to acquire; likewise must be attached a certificate from the competent authority of the respective country to the effect that there are no objections to the applicant's acquiring the desired citizenship.

LAW OF OCTOBER 7, 1921[1]

[Translation]

The Citizenship Law passed August 23, 1919, shall be supplemented by the following additions:

1–1. Likewise shall be considered as a citizen of Latvia every citizen of former Russia, irrespective of nationality and creed, who lives on Latvian territory, has up to the time of promulgation of this Article 1–1 not adopted another citizenship, and (a) who prior to August 1, 1914, has been permanently residing on Latvian territory at least twenty years, (b) or who prior to the year 1881 has been permanently residing on Latvian territory, (c) or who is a descendant of persons mentioned in clauses (a) and (b).

[1] Text from enclosure with Despatch No. 2695, February 24, 1925, from the American Minister to Latvia to the Secretary of State.

The rights granted by this article shall not be extended to persons who have evaded service in the national Latvian army.

Article 4 of the law shall be supplemented by the following Note 2:

Note 2: Foreigners serving, or who have served, in the Latvian national army, may acquire Latvian citizenship by resolution of the Cabinet of Ministers upon their [i.e. such foreigners'] application to the Minister of the Interior, even if they have not resided five years on Latvian territory.

LAW OF JUNE 2, 1927[1]

[TRANSLATION]

I. Every subject of the former Russian Empire, without distinction of nationality and religion, residing within the limits of Latvia, or who is a native of the regions included in the territory of Latvia, or who belonged to the aforesaid regions on the strength of the laws of Russia before August 1, 1914 — is considered a citizen of Latvia, provided he or she has not become a citizen of another state before the publication of this law.

I[1]. Likewise every subject of the former Russian Empire, without distinction of nationality and religion, who has resided within the limits of Latvia since January 1, 1925, has not become subject of any other state before the coming into force of these amendments and supplements, and—

(a) Has lived within the limits of Latvia at least for six months before August 1, 1914, or
(b) Has had permanent residence within the limits of Latvia up to 1881, or
(c) Is a descendant of persons mentioned under (a) and (b).

The privileges mentioned in this paragraph shall be enjoyed by persons who, satisfying the above-mentioned requirements, file a petition with the Minister of the Interior for a Latvian passport before February 1, 1928. The privileges mentioned in this paragraph shall be denied to persons who lived in Latvia during the years 1918, 1919 and 1920, and, being of military age, did not report at the mobilization proclaimed by the temporary Latvian Government.

II. Persons temporarily resident outside the limits of Latvia but otherwise satisfying the requirements mentioned in paragraph I do not forfeit their claim to Latvian citizenship, if they return to Latvia within twelve months from the date of publication of this law, if they register themselves as Latvian citizens with one of the Latvian diplomatic representatives abroad, or communicate their desire to remain Latvian citizens to the Minister of the Interior.

Observation 1. In countries where Latvia has no diplomatic representative the twelve months' period commences from the date of establishing diplomatic relations. With the opening of a new diplomatic post the latter cannot register persons who have come from countries where a diplomatic post existed

[1] Text from *Br. Parl. Papers*, Misc. No. 8 (1927), Cmd. 2970.

previously, and where they had the opportunity to make use of their option rights, if they have left such country after the lapse of the term of option.

Observation 2. Persons who have registered themselves or handed in applications in the manner provided by this law do not lose their claim to Latvian citizenship if they take out Latvian passports within one year from the date of coming into force of these amendments and supplements; otherwise the registration or application shall be considered as void.

II[1]. Sailors who have sailed on foreign ships, are so employed at the time of coming into force of these amendments and are temporarily living outside of Latvia, but otherwise satisfy the requirements of paragraph I, do not lose their claim to Latvian citizenship if within one year from the date of coming into force of the amendments and supplements they return to Latvia or register themselves as Latvian citizens with one of the Latvian representatives abroad, or notify their desire to remain Latvian citizens to the Minister of the Interior, and take out Latvian passports.

III. (Cancelled.)

IV. Foreign subjects and persons of no nationality may be admitted to Latvian citizenship if they have resided for not less than five consecutive years within the limits of Latvia. Petitions for admission to Latvian citizenship should be addressed to the Minister of the Interior for decision by the Cabinet of Ministers.

Observation 1. The period between August 1, 1914, and August 1, 1919, shall not be included in the five years' term mentioned in this paragraph.

Observation 2. Foreigners who serve or have served in the Latvian national army may petition the Minister of the Interior and acquire Latvian citizenship by a decision of the Cabinet of Ministers even if they have not lived for five consecutive years within the limits of Latvia.

Observation 3. Persons of no nationality who have lived in Latvia for the period required by this paragraph should, if they desire to acquire Latvian citizenship, file a petition with the Minister of the Interior for admission within one year after reaching their majority. In the contrary case they lose their claim to Latvian citizenship thereafter.

Observation 4. Persons who have lost Latvian citizenship in conformity with paragraphs VIII or IX of this law, but desire to regain it, must reside in Latvia for the period specified in this paragraph counting from the date on which they lost Latvian citizenship.

IV[1]. Persons sentenced to imprisonment for crimes of fraud, theft, etc., or persons sentenced to major punishments shall not be admitted to Latvian citizenship either under paragraph I[1] or under paragraph IV.

Likewise persons who are under trial or investigation for the above-cited crimes cannot be admitted to Latvian citizenship until their discharge or acquittal.

V. Subjects or citizens of other states referred to in paragraph IV who have not resided for five years within the territory of Latvia, but who have

rendered special services to the Latvian State, may be admitted to Latvian citizenship by petitioning the Minister of the Interior in virtue of a special resolution passed by the National Assembly of Latvia.

VI. Decisions conferring the rights of citizenship shall be published after the newly admitted citizen has taken an oath in the prescribed form or has made a solemn declaration. It shall be considered that the rights of citizenship have been acquired by taking the said oath or making the solemn declaration.

VII. The citizenship of minors, including legitimated and adopted children, is considered to be the same as that of their parents or adoptive parents. A woman after marriage follows the citizenship of her husband. A Latvian citizen married to a foreigner may regain Latvian citizenship after the termination of the marriage in the manner mentioned in paragraph II without any time limit. A woman of no nationality, who prior to her marriage had a claim to Latvian citizenship, but had lost it by her marriage, may regain Latvian citizenship, if her husband has been absent for five years and his whereabouts are unknown.

Observation 1. A woman of Latvian citizenship, who has married a man of no nationality or a subject of a country the laws of which do not admit the acquisition of the husband's citizenship through marriage, retains Latvian citizenship. The issue of a marriage between a woman of Latvian citizenship and a man of no nationality are regarded as Latvian citizens. Minor children who after the dissolution of a marriage or after its termination owing to the death of the husband, remain under the guardianship of the mother, are, if the mother has regained Latvian citizenship, likewise regarded as Latvian citizens.

Observation 2. Minors who have no national passports, and the residence and nationality of whose parents are unknown, as well as orphans and foundlings shall be regarded as Latvian citizens.

VIII. No person shall at the same time be a citizen of Latvia and of another country. On acquiring another citizenship, he loses his rights as a Latvian citizen.

VIII[1]. Persons who live abroad and evade military service in the Latvian army may be deprived of Latvian citizenship by the Cabinet of Ministers.

IX. Latvian citizens desirous of renouncing their citizenship must submit petitions to that effect to the Minister of the Interior. The petition must specify the country the citizenship of which the applicant wishes to acquire, and a certificate from that country must be appended to the effect that the latter agrees to admit the applicant to its citizenship.

X. Foreigners admitted to Latvian citizenship under paragraph IV shall pay a non-recurrent fee of ten lats for the benefit of the state. In special cases the Ministry of the Interior has powers to exempt the newly admitted Latvian citizens from the payment of this fee.

XI. The Minister of the Interior issues instructions for the carrying out of this law.

LIBERIA

EDITORS' NOTE. Certain provisions of the Liberian law of nationality are found in the Constitution of July 26, 1847, as amended on May 7, 1907. The law of January 27, 1876 dealt with naturalization. The law of January 6, 1908 supersedes all contrary laws. Nationality provisions are also to be found in the law of February 8, 1922.

BIBLIOGRAPHY: For the text of the Constitution, in French, see Jore, *La République de Libérie* (1912) 52; in English, see Maugham, *The Republic of Liberia* (1920) 72. For the text of the law of February 8, 1922, in English, see *Br. Parl. Papers*, Misc. No. 7 (1928), Cmd. 3221, p. 33.

CONSTITUTION OF JULY 26, 1847 [1]

AS AMENDED MAY 7, 1907

ARTICLE V.—MISCELLANEOUS PROVISIONS

SECTION 12.—*None but a citizen is entitled to hold real estate, except, etc.*

No person shall be entitled to hold real estate in this republic, unless he be a citizen of the same. Nevertheless, this article shall not be construed to apply to colonization, missionary, educational or other benevolent institutions, so long as the property or estate is applied to its legitimate purposes.

SECTION 13.—*None but persons of colour shall be admitted to citizenship.*

The great object of forming these colonies being to provide a home for the dispersed and oppressed children of Africa, and to regenerate and enlighten this benighted continent, none but persons of Negro descent shall be admitted to citizenship in this republic.

LAW OF JANUARY 6, 1908 [2]

It is enacted by the Senate and House of Representatives of the Republic of Liberia in legislature assembled:

Section 1. Any alien Negro of the age of twenty-one years and upward or any alien person of Negro descent of the age of twenty-one and upward may become a citizen of the Republic of Liberia in the manner following, to wit:

First. If he be an immigrant and should desire to draw land under the laws alloting lands to immigrants, or if he should desire to purchase land, he shall first make, under oath before the Clerk of the Court of Quarter Session

[1] Text from Wright, 373.

[2] Text from enclosure with Despatch No. 317, December 19, 1925, from the American Minister to Liberia to the Secretary of State.

of the county in which he settles, declaration of his intention to become a citizen of the republic, and shall also declare allegiance to the Republic of Liberia and renounce forever all allegiance and fidelity to any foreign power of which he is at the time a citizen or subject, which declaration shall be substantially as hereinafter provided, and shall be recorded and filed by the Clerk of said Court of Quarter Session. He shall then be entitled to a certificate of citizenship and to an order for his immigrant allotment, and, upon its survey, to a certificate for same under the laws governing allotments.

Second. Any alien Negro or any alien person of Negro descent, not being an immigrant but a resident of the republic, shall first make, under oath before the Clerk of the Court of Quarter Session of the county in which he resides, declaration of his intention to settle permanently in the county, and his desire and intention to become a citizen of the republic; and shall also declare allegiance to the Republic of Liberia and renounce forever all allegiance and fidelity to any foreign power, and particularly the foreign power of which he is at the time a citizen or subject, as herein provided. He shall then be entitled to a certificate and order as provided for in Section 1.

Section 2. If any alien shall fraudulently secure a certificate of citizenship or if any alien within three years after the issuance of a certificate of citizenship to him shall return to the country of his nativity, or go to any other foreign country and take permanent residence therein, for seven consecutive years during which time no account can be given of his absence, the Court of Quarter Session may cancel his certificate, and the Clerk of the Court shall notify the Department of State of such cancellation, and all lands held by the person whose certificate of citizenship is cancelled shall escheat to the government, he having no widow or heir in the republic.

Section 3. The Attorney General of the republic, or any County or District Attorney may appear in all matters of naturalization for the purpose of cancelling certificates of citizenship, or for the purpose of cross-examining the person applying for certificate of citizenship and his witnesses concerning any matter touching or in any way affecting his right to admission to citizenship, and shall have the right to call witnesses, produce evidence, and be heard in opposition to the granting of any certificate of citizenship, or the cancellation thereof, and he may appear for all purposes whatsoever in connection with this Act.

Section 4. The Secretary of State shall furnish the Clerk of the Court of Quarter Session of each county with forms of declaration of intention, and the certificate of citizenship which shall be signed by the applicant in duplicate, and the duplicate shall be forwarded by said Clerk to the Department of State within thirty days after the date of its execution, and the same shall be filed in said department.

Section 5. Upon the filing of a declaration of intention and upon the issuance or cancellation of a certificate of citizenship the Clerk of the Court of

Quarter Session shall immediately give notice thereof by posting in a public conspicuous place on the Court House building, near the main entrance, the name and residence of the party making such declaration, or named in the certificate of citizenship.

Section 6. The Clerk of the Court of Quarter Session shall charge and collect the following fees in each proceeding and shall pay over monthly to the Sub-Treasurer, one-half thereof and shall retain the remaining one-half for his services.

For receiving and filing a declaration of intention and issuing a duplicate thereof, two dollars. Issuing a certificate of citizenship and filing a duplicate thereof, four dollars. Provided, however, that if there should be no fees, then the said Clerk shall make blank monthly reports to the Sub-Treasurer.

Section 7. Any person falsely procuring the naturalization of any party hereunder, or any person making any false statement, or doing any wrongful thing contrary to the provisions of this Act shall be deemed guilty of a felony, and shall be punished with a fine not exceeding 200 dollars, or imprisonment not exceeding six months or both; and any officer neglecting any duty imposed upon him by this Act shall be deemed guilty of a misdemeanor and shall be punished with a fine not exceeding 100 dollars, or dismissal from office or both.

Section 8. That substantially the following forms shall be used in the proceeding to which they relate, namely,

DECLARATION OF INTENTION

Republic of Liberia
County of .....

I..... age ..... years, do declare on oath or (affirm) that it is my intention to settle permanently in the Republic of Liberia and to become a citizen thereof; and I hereby declare my allegiance to the Republic of Liberia and renounce forever all allegiance and fidelity to any foreign power and particularly to the ..... being the foreign power of which I am now a citizen or subject, so help me God.

Subscribed and sworn to before me this ..... day of ..... A.D., ...,

Clerk of the Court of Quarter Session
for the
County of .....

REPUBLIC OF LIBERIA

Certificate of Citizenship

Be it remembered that on this ..... day of ..... A.D. ....., who previous to his (or her) naturalization was a citizen or subject of ..... at present residing at ..... in the County of

..... in the Republic of Liberia, having filed his (or her) Declaration of Intention as provided for by law; and having satisfied me by his (or her) own statement under oath that he (or she) is a person of good moral character, attached to the principles of the Constitution of the Republic of Liberia, and has been in every respect a law abiding person during his (or her) residence in the republic; and having taken oath to support and defend the Constitution and laws of the Republic of Liberia against all enemies, foreign and domestic, and to renounce abjure all allegiance and fidelity to any foreign power particularly to the ..... being the foreign power to which he (or she) formerly owed allegiance. Therefore it is ordered that said..... be and he (or she) is hereby admitted as a citizen of the Republic of Liberia.

In witness whereof this Certificate is signed by the Clerk of the Court of Quarter Session for ..... County upon the order of Honorable ..... Judge, presiding this..... day of ..... A.D. .....

Clerk of the Court of Quarter Session
for the
County of .....

Section 9. This Act shall take effect immediately, all laws to the contrary notwithstanding.

LAW OF FEBRUARY 8, 1922[1]

Chapter IV.—Citizens

Section 66. Native Citizens.—All persons of Negro descent born in the Republic of Liberia and subject to the jurisdiction thereof are citizens of the Republic of Liberia. The circumstance of birth within the Republic of Liberia makes one who is of Negro descent a citizen thereof, even if his parents were at the time aliens, provided they were not, by reason of diplomatic character or otherwise, exempted from the jurisdiction of its laws.

Section 67. Children of Citizens Born Abroad.—All children born out of the limits and jurisdiction of the Republic of Liberia whose fathers were at the time of their birth citizens thereof are citizens of the Republic of Liberia; but the rights of citizenship do not descend to children whose fathers never resided in the Republic of Liberia. That the citizenship of the father descends to the children born to him when abroad is a generally acknowledged principle of international law.

Section 68. Naturalized Citizens.—Naturalization is a judicial act, and certificates of naturalization in regular form, by any circuit or territorial court of the Republic of Liberia, will be treated by consular officers as conclusive evidence of citizenship, except as herein otherwise provided.

[1] Text from *Br. Parl. Papers*, Misc. No. 7 (1928), Cmd. 3221, p. 33.

Section 69. Other Races.—The Statutes of the Republic of Liberia with respect to naturalization authorize the naturalization only of Negroes, or persons of Negro descent. The naturalization of all persons not Negroes nor of Negro descent, as aforesaid, is unauthorized and void, and consular officers will disregard their certificates of naturalization.

Section 70. Wife of Citizen.—Any woman of Negro descent married to a citizen of the Republic of Liberia is a citizen thereof; and it is immaterial whether the husband became a citizen before or after marriage. Any woman who acquires Liberian citizenship by marriage shall be assumed to have retained it after the termination of the marital relation by death or absolute divorce if she continues to reside in the Republic of Liberia, unless she makes formal renunciation thereof before a court having jurisdiction to naturalize aliens or, if she resides abroad, she may retain Liberian citizenship by registering as a Liberian citizen before a Liberian consul within one year after the termination of the marital relation.

Section 71. A Liberian Woman who Marries a Foreigner.—A Liberian woman who marries a foreigner takes the nationality of her husband. At the termination of the marital relation, by death or absolute divorce, she may resume her Liberian citizenship; if abroad, by registering as a Liberian citizen within one year with a Consul of the Republic of Liberia, or by returning to reside in the Republic of Liberia; or if residing in the Republic of Liberia at the termination of the marital relation by continuing to reside therein.

Section 72. Children of Naturalized Citizens.—The naturalization or resumption of Liberian citizenship of the parents confers Liberian citizenship upon the minor children and shall begin at the time such minor children begin to reside permanently in the Republic of Liberia.

Section 73. Expatriation.—A Liberian citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign state in conformity with its laws, or when he has taken an oath of allegiance to any foreign state. When any naturalized citizen shall have resided for two years in that foreign state from which he came, or for five years in any other foreign state, it shall be presumed that he has ceased to be a Liberian citizen, and his place of general abode shall be deemed his place of residence during the said years.

Provided: That such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the Republic of Liberia, under such rules and regulations as the Department of State may prescribe. A Liberian citizen shall not be allowed to expatriate himself when this country is at war.

Section 74. Oath of Allegiance.—Every child born without the Republic of Liberia of Liberian parents and resident abroad upon attaining his majority is required in order to conserve his Liberian citizenship, to take the oath of allegiance to the Republic of Liberia before a Liberian consul.

Section 75. Duplicates of Evidence of Citizenship.—Diplomatic and consular officers are required to file with the Department of State duplicates of any evidence, registration, or other acts taken before them in conservation of citizenship and the right of protection.

CIRCULAR OF AUGUST 5, 1924[1]

ISSUED BY THE DEPARTMENT OF JUSTICE

From and immediately after the publication of this Notice, and until otherwise ordered, applicants for naturalization as citizens of Liberia, upon filing their Declaration of Intention in the Clerk's Office of the county or territory, are to be examined by the prosecuting attorney as provided for by section 3 on page 25 of the Act of 1908 for the purpose *inter alia* of obtaining to the best of the attorney's ability the history and antecedents of such applicant, the clerk of court recording all questions and answers. The record of said examination thus obtained, together with the Declaration of Intention, shall then be sent to the Department of Justice. Certificate of citizenship shall not be issued until said Declaration of Intention approved and initialed, with the seal of the Department of Justice affixed, shall have been returned.

[1] Text from enclosure with Despatch No. 370, September 5, 1929, from the American Chargé d'Affaires at Monrovia to the Secretary of State.

LITHUANIA

EDITORS' NOTE. The temporary law of January 9, 1919[1] was supplemented (paragraphs 3 and 4) by the Law of March 29, 1920.[1] Paragraph 6 of the law of January 9, 1919 has been supplemented by the law of June 9, 1922.[1] The former law requires (paragraph 2) five years' permanent residence for naturalization. This period had been extended to ten years by Article 8 of the Constitution of 1922.[2] Paragraph 6 of the law of 1922 was supplemented by the law of December 7, 1923. The Constitution now in force is that of May 15, 1928.

BIBLIOGRAPHY: Bergmann, II, 20; Magnus, 68; Schwartz, 280.

For the text of the law of January 9, 1919, in English, see *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, p. 47. For the text of the law of March 29, 1920, in English, see id. 48. For the text of the law of June 9, 1922, in English, see ibid. For the text of the law of December 7, 1923, in English, see id. 49.

CONSTITUTION OF MAY 15, 1928[3]

[TRANSLATION]

LITHUANIAN CITIZENS AND THEIR RIGHTS

SECTION II

9. The acquisition and deprivation of the right of citizenship are based upon a corresponding Law of Citizenship. The citizen of an alien state may be admitted to Lithuanian citizenship if he has resided in Lithuania not less than ten years. All political rights are granted to children of naturalized citizens whose parents acquired Lithuanian citizenship before the birth of the child. Naturalized citizens receive only active political rights.

10. Nobody can be simultaneously a citizen of Lithuania and any other state. A Lithuanian citizen does not lose his rights of citizenship even though he be a citizen of an American country, provided he fulfills the duties prescribed by a special law.

11. All Lithuanian citizens, men and women, are equal before the law. Special privileges may not be accorded a citizen nor his rights reduced on account of his origin, religion, or nationality.

[1] Post. [2] *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, p. 47.

[3] Text from enclosure with Despatch No. 61, September 22, 1928, from the American Consulate at Kovno to the Secretary of State.

PROVISIONAL LAW OF JANUARY 9, 1919[1]

[TRANSLATION]

1. The following are considered as Lithuanian citizens:

(a) persons, whose parents and ancestors have lived in Lithuania since ancient times, and who themselves are constantly residing in Lithuania;
(b) the children of persons mentioned in (a) who, although they did not permanently reside in Lithuania, have returned for residence here;
(c) persons who lived in Lithuania at least ten years before 1914 and possessed in this country immovable property or were engaged in some permanent work;
(d) the children of Lithuanian citizens;
(e) their wives or widows;
(f) illegitimate children of girls who are Lithuanian citizens, unless they have been adopted by a foreign citizen;
(g) foreigners to whom Lithuanian citizenship has been granted.

Note: Persons mentioned in paragraph 1 (c) are not entitled to Lithuanian citizenship if they had no other permanent work except with the Russian Government, i. e. Russian officials.

2. A foreigner may obtain Lithuanian citizenship if

(a) he has lived in Lithuania uninterruptedly for the past five years;
(b) if he is engaged in a permanent work by which he supports himself and his family;
(c) if he has not been sentenced by the courts to imprisonment or severe punishment.

3. A foreigner desiring to become a Lithuanian citizen and satisfying the requirements of paragraph 2, has to submit a corresponding application to the Minister of Interior, who, upon agreement with the Minister of Justice, either grants the request or refuses it.[2]

4. Temporarily it is prohibited for foreign citizens to purchase or otherwise acquire in Lithuania immovable property. Agreements concluded contrary to this law will be considered as non-existing. It is the duty of public prosecutors to take legal proceedings to nullify any such agreement.[2]

5. Lands which are owned by such colonists as established themselves in Lithuania after 1904 through the assistance of the former Peasants' and Landlords' Banks of the Russian State, are becoming property of the Lithuanian State and the Treasury pays the colonists what they paid the banks for the land.

[1] Text from enclosure with Despatch No. 2648, January 27, 1925, from the American Minister to Lithuania to the Secretary of State.

[2] This paragraph has been amended by the law of March 29, 1920, post, p. 418.

LAW OF MARCH 29, 1920, SUPPLEMENTING THE PROVISIONAL LAW[1]

[TRANSLATION]

Annotation to paragraph 3. In exceptional cases the Cabinet of Ministers may grant Lithuanian citizenship to an alien who has not resided in Lithuania for the past five years (paragraph 2, section 1).

Annotation to paragraph 4. In exceptional cases the Cabinet of Ministers may grant to an alien the right to purchase or own real estate in Lithuania.

LAW OF JUNE 9, 1922[1]

[TRANSLATION]

The provisional law regarding Lithuanian citizenship (Lithuanian *Official Gazette*, Nos. 2–3) is supplemented as follows:

6. Persons, who, in accordance with paragraph 1 of this law and its annotation, or who, in accordance with the first part of Article VI of the Peace Treaty between Lithuania and Russia, are considered to be Lithuanian citizens although residing abroad, if they have not adopted the citizenship of the country in which they reside, must within six months after promulgation of this law register with Lithuanian diplomatic or consular representatives abroad, producing documents in proof of their citizenship, and must obtain Lithuanian passports.[2] In those countries where there are no Lithuanian diplomatic or consular representatives, the above-mentioned six months' period begins from the date of establishment of Lithuanian diplomatic or consular offices.

This rule does not apply to Lithuanian citizens residing in Russia who opt Lithuanian citizenship in accordance with Article VI of the Peace Treaty between Lithuania and Russia.

Those persons residing abroad and referred to in paragraph I and its annotation of this law or in the first part of Article VI of the Peace Treaty between Lithuania and Russia, who have not registered with Lithuanian diplomatic or consular representatives abroad and who have not obtained Lithuanian passports within the period designated in this paragraph, may regain Lithuanian citizenship only in accordance with the stipulations of paragraphs 3 and 4 of this law and their supplements (*Official Gazette*, No. 26, Law No. 304.)

[1] Text from enclosure with Despatch No. 2648, January 27, 1925, from the American Minister to Lithuania to the Secretary of State.

[2] "In countries where there is no passport system, registration with the Lithuanian representative consul shall be held sufficient to retain citizenship." Note added by the law of December 7, 1923.

LUXEMBURG

EDITORS' NOTE. The Constitution of October 12, 1841 [1] provided that, in order to have the right to vote, one must be a Luxemburger by birth or naturalization (Article III, (1)). However, it contained no provisions regarding citizenship or naturalization. In the Constitution of November 27, 1856,[2] the only provision regarding nationality was that "the quality of a Luxemburger is acquired, maintained and lost according to the civil law." The civil law referred to was the French Civil Code which had been adopted by Luxemburg. This code has been supplemented by the law of November 12, 1848.[3] According to this law a naturalized Luxemburger enjoys both civil and political rights (Article 1). By Article 4 the government may take the initiative for naturalizing a foreigner. The law of January 27, 1878[3] left these provisions, together with some procedural rules contained in Articles 7 to 11, intact, but it supplemented Articles 2, 3, 5 and 6 which dealt with certain requirements for naturalization.

Article 10 of the Civil Code provided that a child born abroad of a Luxemburger, who had lost his nationality, could acquire the quality of a Luxemburger by complying with certain conditions. This article, together with Article 2 of the law of January 27, 1878, was interpreted by the law of February 5, 1890.[3] Article 9 of the Civil Code was modified by the law of March 14, 1905, while Article 6 of the law of January 27, 1878, which provided for fees, was modified by the law of December 12, 1919.[4] The Constitution now in force is that of October 17, 1868.

For the text of the Constitution of October 12, 1841, in French, see 44 *Br. and For. St. Papers*, 869. For comment on the law of November 12, 1848, see *Ann. de lég. étr.* (1879) 549. For the text of the Constitution of November 27, 1856, in French, see 46 *Br. and For. St. Papers*, 1249. For the text of the Constitution of October 17, 1868, in English, see Wright, 393. For text and comment on the law of January 28, 1878, see *Ann. de lég. étr.* (1879) 548. For text and comment on the law of February 5, 1890, see id. (1891) 557. For the text of the law of March 24, 1905, in French, see Clunet (1917) 792. For comment and text, see *Ann. de lég. étr.* (1905) 339. For comment on the law of December 12, 1919, see id. (1919) 135.

CONSTITUTION OF OCTOBER 17, 1868[5]

[TRANSLATION]

CHAPTER II.—LUXEMBURGERS AND THEIR RIGHTS

Article 9. The quality of Luxemburger is acquired, preserved and lost according to the rules determined by the civil law.

The present Constitution and the other laws relative to political rights determine what are, beyond this quality, the conditions necessary for the exercise of these rights.

Article 10. Naturalization is granted by the legislative power.

Naturalization assimilates the foreigner to the Luxemburger, for the exercise of political rights.

[1] 44 *Br. and For. St. Papers*, 869.
[2] 46 id. 1249.
[3] Post.
[4] *Ann. de lég. étr.* (1919) 135.
[5] Text from Wright, 393.

Naturalization granted to the father is available to his minor child, if the latter declares, within two years of his majority, intention to claim this privilege.

CIVIL CODE OF 1807[1]

[TRANSLATION]

BOOK I.—CONCERNING PERSONS: FIRST TITLE, CONCERNING THE ENJOYMENT AND THE DEPRIVATION OF CIVIL RIGHTS

9.[2] Any person born in the Grand Duchy of a foreigner may, in the year following his majority [such as it is fixed by the Luxemburg law] claim Luxemburg nationality, provided that, in the case he resides in this country, he declares it to be his intention to establish his domicile there, and in case he resides in a foreign country, he shows his intention to establish his domicile in the Grand Duchy and establishes it there within a year dating from his declaration.

[The declaration may be made from the age of eighteen years with the consent of those who would be required to give their consent to the marriage of the minor according to the latter's personal status. Special mention of this consent will be made in the act drawn up testifying to this option.]

10. Any child born of a Luxemburger in a foreign country is a Luxemburger. Any child born, in a foreign country, of a Luxemburger who may have lost his Luxemburg nationality, may at any time recover Luxemburg nationality by fulfilling the formalities prescribed in Article 9.

12. An alien woman who has married a Luxemburger, acquires the nationality of her husband.

17.[3] Luxemburg nationality is lost: (1) through naturalization acquired in a foreign country; (2) (Abrogated by the law of January 27, 1878, Article 3, post); (3) and lastly through residence in a foreign country in the absence of any intention of returning to Luxemburg.

Residence for business purposes shall never be considered as involving an absence of intention to return.

18. A Luxemburger who shall have lost his Luxemburg nationality, can always recover it by returning to Luxemburg with the authorization of the Grand Duke and by declaring that he wishes to reside there permanently and that he renounces all distinctions contrary to the Luxemburg law.

19. A Luxemburg woman who marries a foreigner acquires the nationality of her husband. If she becomes a widow, she may recover Luxemburg nationality provided that she resides in Luxemburg or returns there with the

[1] Text from enclosure with Despatch No. 18, January 21, 1929, from the American Chargé d'Affaires ad interim at Brussels to the Secretary of State.

[2] The provisions included in brackets were added by the law of March 14, 1905, post.

[3] See law of March 15, 1918, post, p. 425.

authorization of the Grand Duke, declaring it her intention to reside there permanently.

20. Persons recovering Luxemburg nationality as provided in Articles 10, 18, and 19, can only avail themselves thereof after having fulfilled the conditions imposed on them by these articles, and only for the purpose of enjoying the rights to which they may subsequently be entitled.

LAW OF NOVEMBER 12, 1848[1]

AS AMENDED BY LAW OF JANUARY 27, 1878

[TRANSLATION]

1.[2] Naturalization confers on the foreigner all the civil and political rights pertaining to Luxemburg nationality.

2. [Naturalization cannot be granted to foreigners when it is not reconciled with the obligations which they may have to fulfill toward the state to which they belong and as a result of which conflicts might arise.

Neither can it be granted to persons who have not reached the age of twenty-five years or to persons who have not resided for at least five years in the Grand Duchy.

Residence during five years is not obligatory, when the person soliciting naturalization, (1) is born on Luxemburg soil; (2) has possessed Luxemburg nationality and lost it; (3) has rendered signal services to the state; (4) is the adult offspring of a foreigner naturalized for services rendered.]

3. [In order to be admitted to naturalization, it shall be necessary: (1) to file a written petition, signed by the author or his agent acting under power of attorney; (2) to attach to this request a birth certificate; (3) a certificate stating the amount of taxes payable to the state; (4) a certificate stating the length of residence; (5) a certificate of good morals issued by the Burgomaster and aldermen of the communes in which the foreigner has lived during the period of his residence in the country.

The Director General of Justice must take the opinion of the Town Council of the place of last residence of the foreigner, in making his recommendation.]

4. Naturalization may also, in case of the absence of a private request, be proposed by the government.

5. [Each petition for naturalization, as well as any proposal of the government having the same object, shall be submitted to the Chamber and, if taken into consideration there, referred to the committees thereof. On the

[1] Text from enclosure with Despatch No. 18, January 21, 1929, from the American Chargé d'Affaires ad interim at Brussels to the Secretary of State.

[2] The provisions enclosed in brackets were added by the law of January 27, 1878.

report of the Central Section the Chamber decides, after discussion if necessary, and behind closed doors, whether it accepts or does not accept the petition or proposal for naturalization.]

6. [Naturalization may be free of charge whenever it is granted for signal services rendered to the state.

In other cases it is subject to a registration fee of from 600 to 5000 francs, to be fixed by royal grand-ducal decree. This fee can be reduced to the amount of 100 francs, if it refers to persons born in the grand-ducal territory or who may have been Luxemburg citizens and have lost that nationality.]

7. Within eight days following the royal grand-ducal sanction, the Director General of Justice shall deliver, either to the party having made the petition or to the interested party himself, a certified copy of the act of naturalization.

8. Bearing this copy, to which has been added the formality of registration, the party having made the petition, or the interested party himself, shall present himself before the Burgomaster of his domicile or residence and shall declare that he accepts the naturalization conferred upon him.

An official report of this declaration shall immediately be entered in a register kept for this purpose.

9. The declaration prescribed by the preceding article shall be made, under penalty of forfeiture, within three months from the date of the royal grand-ducal sanction.

10. The municipal authority shall, within eight days, send to the Director General of Justice a duly certified copy of the act of acceptance.

11. The law conferring naturalization shall be inserted in the Memorial of the Grand Duchy, but only after verification of the act of acceptance, the date of which shall be noted therein.

Transitory Article

Persons born in the old Grand Duchy of Luxemburg and who have continued to reside in the present Grand Duchy from 1814 to this day are considered Luxemburgers. The same applies to their children who have remained inhabitants of the Grand Duchy up to the present time.

All persons born before 1839 on the territory ceded to Belgium and who have lived in the Grand Duchy since 1839 until the present are likewise considered Luxemburgers.

Persons born in the present Grand Duchy, of foreign parents, but who have failed to fulfill the required legal formalities and who have remained in the country until now are also considered Luxemburgers.

Persons who may wish to take advantage of the privilege granted by the provisions of the present article must comply with Articles 8 and 9 which apply together with Articles 10 and 11 of the present law.

LAW OF DECEMBER 12, 1859[1]

RELATIVE TO THE APPLICATION OF ARTICLE 9 OF THE CIVIL CODE

[TRANSLATION]

1. A child born in the Grand Duchy of a foreign soldier or official attached to the service of the fortress of Luxemburg, of the federal garrison, or of an administration established by virtue of the treaties, cannot take advantage of the benefits granted by Article 9 of the Civil Code.

2. No subject of a state of the Germanic Confederation may be allowed to make a declaration provided for by Article 9 of the Civil Code, unless he furnishes proof that he is free from all military obligations in the state to which he belongs.

3. A declaration made under Article 9 of the Civil Code by an individual who at the time when he made the declaration was liable to extradition by virtue of the cartel convention decreed by the Germanic Confederation on February 10, 1831, is void and of no effect.

4. In the case of Article 2, the declaration to be made by virtue of Article 9 of the Civil Code can only be received after the value of the documentary evidence has been recognized by the government.

5. The present law is applicable to all persons who have not hitherto made the declaration provided for by Article 9 of the Civil Code.

The declarations already made by individuals who might come under the application of the present law, cannot be invoked by those with respect to whom a state of the Germanic Confederation may have the right to claim the execution of the cartel convention.

LAW OF JANUARY 27, 1878[1]

[TRANSLATION]

1. [The provisions of this article are incorporated in the law of November 12, 1848, as quoted above.]

ADDITIONAL PROVISIONS

2.[2] Any person is a Luxemburger who has his domicile in the Grand Duchy and is born there of a foreigner who was born there himself and who resided there until the birth of that child, unless during the year following his majority, such as it is fixed by the Luxemburg law, this child should claim foreign nationality. To this effect he must make a declaration before the communal authority of his last place of residence and submit proof of

[1] Text from enclosure with Despatch No. 18, January 21, 1929, from the American Chargé d'Affaires ad interim at Brussels to the Secretary of State.

[2] See the interpretative law of February 5, 1890, post, p. 424.

having retained his original nationality by an affidavit of his government in due form, which shall remain attached to the declaration.

Any person is also a Luxemburger who, at the time of the promulgation of the present law, fulfills the conditions enumerated in the preceding paragraph, but who has already reached his majority according to the Luxemburg law, unless during the year following the publication of the law, he should fulfill the conditions imposed by the said paragraph on those wishing to preserve foreign nationality.

3. Section 2 of Article 17, and Article 21 of the Civil Code are abrogated. Individuals who may have lost their Luxemburg nationality by virtue of the afore-mentioned provisions shall recover it by right from the date when the present law goes into force, but they may only take advantage thereof in order to enjoy the rights accruing to their benefit since that date.

LAW OF FEBRUARY 5, 1890[1]

[TRANSLATION]

Sole Article. Article 10, section 2 of the Civil Code and Article II of the law of January 27, 1878, on naturalization, are interpreted in the sense that the said provisions are applicable to the child born of a Luxemburg mother who has lost the quality of a Luxemburger.

LAW OF MARCH 14, 1905[2]

MODIFYING ARTICLE 9 OF THE CIVIL CODE RELATIVE TO DECLARATIONS OF CITIZENSHIP

[TRANSLATION]

Sole Article. Article 9 of the Civil Code is abrogated and replaced by the following:

Article 9. Every person, born in the Grand Duchy of a foreigner, may, in the year following the attaining of his majority as it is determined by the law of Luxemburg, claim the quality of Luxemburger, provided that, if he resides in the country, he declares that he intends to fix his domicile there and that, if he resides abroad, he makes a declaration to fix his domicile in the Grand Duchy and establishes his domicile within a year to be counted from the making of his declaration.

The declaration may be made after the completion of his eighteenth year, with the consent of those who must consent to the marriage of the minor according to the personal status (*statut personnel*) of the latter. Express

[1] Text from *Annuaire de législation étrangère* (1891) 557.

[2] Text from enclosure with Despatch No. 27, September 5, 1929, from the American Minister to Luxemburg to the Secretary of State.

mention of the consent should be made in the declaration by which the option is made.

LAW OF MARCH 15, 1918[1]

MODIFYING ARTICLE 17 OF THE CIVIL CODE

[TRANSLATION]

Article 1. Article 17 of the Civil Code is modified as follows: Article 17. Luxemburg nationality will be lost by naturalization acquired in a foreign country.

Article 2. *Transitory Provisions.* A Luxemburger who has lost his Luxemburg nationality through the application of the old Article 17, section 3, of the Civil Code, will recover his nationality as of right from the day of the coming into force of the present law, unless before that date he shall have acquired a foreign nationality.

The child born of a Luxemburger who had lost his Luxemburg nationality on account of the old Article 17, section 3, of the Civil Code, will be recognized as a Luxemburger as of right, if he has not acquired a foreign nationality before the present law shall have come into force.

However, the interested parties, in the two cases provided for in the preceding paragraphs, may reject Luxemburg nationality, by a declaration to be made, either to the member of the government having charge of foreign affairs or to a diplomatic or consular agent in charge of Luxemburg interests abroad.

But this declaration must be made within two years from the conclusion of general peace, except that minors may delay for a year dating from their majority the filing of their declarations.

[1] Text from enclosure with Despatch No. 18, January 21, 1929, from the American Chargé d'Affaires ad interim at Brussels to the Secretary of State.

MEXICO

EDITORS' NOTE. The "Plan of Ignata" declared to be nationals all foreigners who took an oath in support of national independence, but the authority of this "Plan" has been doubted (decree of April 8, 1823).[1] Letters of naturalization were regulated by the law of April 14, 1828.[2] The law of 1864 conferred Mexican nationality freely. The Constitution of 1857 [3] provided that children born of Mexicans acquired nationality *jure sanguinis* no matter where born. These constitutional provisions were still in force after the constitution had been modified twenty-six times.[4] The Constitution of 1857 also contained provisions (Article 30) under which Mexican nationality was acquired by aliens acquiring real estate or having children born to them in Mexico.[5] The circular of July 1875 [6] enacted provisions regarding proof of nationality. The law of May 28, 1886 is now in force.

BIBLIOGRAPHY: W. D. Beves, "La nationalité mexicaine," Clunet (1922) 964; Folleville, 623; F. J. Zavala, "De la naturalisation et de la nationalité au Mexique," Clunet (1892) 612.

For the text of the decree of September 10, 1846, in English, see 47 *Br. and For. St. Papers*, 1040. For the text of the law of May 28, 1886, in French, see *Ann. de lég. étr.* (1886) 922; Clunet (1892) 612; Cogordan, 499; in German, see Keller-Trautmann, 719. For comment on law of May 28, 1886, see *Ann. de lég. étr.* (1888) 922. For the text of the decree of December 12, 1891, in English, see 84 *Br. and For. St. Papers*, 643. For the text of the Constitution of 1917, in Spanish, see *Constitución política de los Estados Unidos Mexicanos* (1917); in English, see "The Mexican Constitution of 1917 compared with the Constitution of 1857," translated and arranged by H. N. Branch, reprinted by the United States Department of State (1926) from Supplement to *The Annals* of the American Academy of Political and Social Science, May, 1917. For comment, see Ch. H. Huberich, "Mexican Nationality and Citizenship under the Constitution of 1917," 4 *International Law Notes*, 11.

CONSTITUTION OF 1917[7]

[TRANSLATION]

Article 30. A Mexican shall be such either by birth or by naturalization.

1. Mexicans by birth are those born of Mexican parents, within or without the republic, provided in the latter case the parents be also Mexicans by birth. Persons born within the republic of foreign parentage shall likewise be considered Mexicans by birth, who within one year after they come of age shall declare to the Department of Foreign Affairs that they elect Mexican citizenship, and who shall furthermore prove to the said department that they have resided within the country during the six years immediately prior to the said declaration.

2. Mexicans by naturalization are:

(a) The children of foreign parentage born in the country, who shall elect Mexican citizenship in the manner prescribed in the foregoing clause, and in whom the residence qualification required in the said section does not concur.

[1] F. J. Zavala, "De la naturalisation et de la nationalité au Mexique," Clunet (1892) 612. [2] Ibid. [3] For the five previous constitutions, see Zeballos, II, 16. [4] Ibid. [5] Moore, *Digest*, 304. [6] Clunet (1892) 612. [7] Text from *The Mexican Review*, Vol. 1, No. 6 (March 1917).

(b) Those persons who shall have resided in the country for five consecutive years, have an honest means of livelihood and shall have obtained naturalization from the said Department of Foreign Affairs.

(c) Those of mixed Indian and Latin descent who may have established residence in the republic, and shall have manifested their intention to acquire Mexican citizenship.

In the cases stipulated in these sections, the law shall determine the manner of proving the requisites therein demanded.

Article 37. Citizenship shall be lost:

(1) By naturalization in a foreign country.

(2) By officially serving the government of another country, or accepting its decorations, titles or employment without previous permission of the Federal Congress, excepting literary, scientific and humanitarian titles which may be accepted freely.

(3) By compromising themselves in any way before ministers of any religious creed or before any other person not to observe the present Constitution, or the laws arising thereunder.

LAW OF MAY 28, 1886[1]

CONCERNING ALIENSHIP AND NATURALIZATION

[TRANSLATION]

CHAPTER I.—MEXICANS AND ALIENS

Article 1. The following are Mexicans:

(1) Those born in the national territory of a father who is a Mexican by birth or by naturalization.

(2) Those born in the national territory of a Mexican mother and of a father who is not legally known under the laws of the republic. Those born of unknown parents, or of parents of unknown nationality, shall be classed under this head.

(3) Those born outside of the republic, of a Mexican father who has not lost his nationality. If he has lost his nationality the children shall be considered aliens, but may, nevertheless, elect to be Mexicans within one year from the day on which they attain the age of twenty-one years, provided they make a declaration to that effect before the diplomatic or consular agents of the republic, if they reside abroad, or before the Department of [Foreign] Relations, if they reside in the national territory.

If the children to whom this section relates reside in the national territory, and on attaining their majority have accepted any public office, or have served in the army, navy, or national guard, they shall be regarded in conse-

[1] Text from Cit. Bd. Report (1906) 452.

quence of such acts as Mexicans, without the necessity of any further formalities.

(4) Those born outside the republic, of a Mexican mother, if the father is unknown and if the mother has not lost her nationality under the provisions of this law. If the mother has been naturalized in a foreign country her children will be aliens, but they shall have the right to elect to be Mexicans on the same terms and conditions as those provided by the foregoing section.

(5) Mexicans who having lost their national character under the provisions of this law recover it by fulfilling the conditions fixed by this law, according to the various cases which may arise.

(6) Foreign women who have married Mexicans, they retaining their Mexican nationality even during widowhood.

(7) Those born outside of the republic, but who, having been residents therein in 1821, took the oath to the act of independence, have continued their residence in the national territory and have not changed their nationality.

(8) Mexicans who, residing in the territories ceded to the United States by the treaties of February 2, 1848, and November 30, 1853, fulfilled the conditions required by those treaties for the preservation of their Mexican nationality. Under this head shall be classed Mexicans who continue to reside in territory belonging to Guatemala, and citizens of Guatemala remaining in territory belonging to Mexico under the treaty of September 27, 1882, provided such citizens comply with the requirements stipulated in Article 5 of that treaty.

(9) Aliens who are naturalized in accordance with the present law.

(10) Aliens acquiring real estate in the republic, provided they do not declare their intention of retaining their nationality. At the time of making the acquisition the alien shall declare to the officiating notary or judge whether he does or does not wish to acquire Mexican nationality as granted him by Section III of Article 30 of the Constitution, and the alien's decision on this point shall appear in the document.

If he chooses Mexican citizenship, or if he omits making any declaration on the subject, he may, within one year, apply to the Department of [Foreign] Relations, in order to comply with the requirements of Article 19, and be deemed a Mexican.

(11) Aliens having children born in Mexico, provided they do not prefer to retain their alien character. At the time of registering the birth, the father shall declare his decision on this point before the Judge of Civil Registration, and such decision shall appear in the document itself; and if he elects to acquire Mexican citizenship, or if he omits making any declaration on the subject, he may, within one year, apply to the Department of [Foreign] Relations in order to comply with the requirements of Article 19, and be deemed a Mexican.

(12) Aliens serving the Mexican Government in an official capacity, or accepting from it titles or public offices, provided that within one year after accepting the titles or public offices conferred upon them, or after beginning to serve the Mexican Government in an official capacity, they apply to the Department of [Foreign] Relations in order to comply with the requirements of Article 19, and be deemed Mexicans.

Article 2. The following are aliens:

(1) Those born outside of the national territory who are subjects of foreign governments and who have not been naturalized in Mexico.

(2)[1] The children of an alien father, or of an alien mother and unknown father, born in the national territory, until they reach the age at which, according to the law of the nationality of the father or of the mother, as the case may be, they become of age. At the expiration of the year following that age they shall be regarded as Mexicans, unless they declare before the civil authorities of the place where they reside that they follow the citizenship of their parents.

(3) Those absent from the republic without permission or commission from the government, excepting in order to prosecute their studies, or in the interests of the public, or for the establishment of trade or industry, or in the practice of a profession, who allow ten years to elapse without asking permission to prolong their absence. Such permission shall not exceed five years for each request, and after the first is granted good and valid reasons shall be required in order to obtain another permission.

(4) Mexican women who have married aliens, they retaining their alien character even during widowhood. If the marriage is dissolved, the Mexican woman may recover her citizenship, provided that, in addition to fixing her residence in the republic, she declares before the Judge of Civil Registration of her domicile that she desires to recover her citizenship.

A Mexican woman who has not acquired by marriage the nationality of her husband under the laws of his country shall retain her own nationality. A change in the nationality of the husband after marriage involves a like change in the nationality of the wife and of the minor children subject to the paternal power, provided they reside in the country in which the husband or father, as the case may be, has been naturalized, saving the exception provided in the preceding paragraph of this section.

(5) Mexicans who become naturalized in other countries.

(6) Mexicans serving foreign governments officially in any political, administrative, judicial, military, or diplomatic capacity, without the permission of Congress.

(7) Mexicans accepting foreign decorations, titles, or offices, without the previous permission of the federal Congress, excepting literary, scientific, and humanitarian titles, which may be accepted freely.

[1] Superseded by paragraph 1 of Article 30 of the Constitution of 1917, ante, p. 426.

Article 3. For the purpose of determining the place of birth in the cases stated in the foregoing articles, national vessels, without any distinction, are hereby declared to be a part of the national territory, and those who are born on board of them shall be regarded as having been born within the republic.

Article 4. By virtue of the right of extraterritoriality enjoyed by diplomatic agents, the children of the ministers and employees of the legations of the republic shall, likewise, never be deemed to have been born outside of the country, so far as regards the operation of this law.

Article 5. The nationality of artificial persons or entities (corporations) is regulated by the law authorizing their creation; hence, all corporations created under the laws of the republic shall be Mexican, provided that, in addition, they have their legal domicile in the republic.

Foreign corporations enjoy in Mexico the rights granted them by the laws of the country of their domicile, provided such laws do not conflict with those of the nation.

Chapter II.—Expatriation[1]

Article 6. The Mexican Republic recognizes the right of expatriation as natural to, and inherent in, every man, and as necessary to the enjoyment of individual liberty; hence just as it permits its inhabitants to exercise that right, allowing them to leave its territory and settle in foreign countries, so likewise, it protects the rights of aliens of all nationalities to come and settle within its jurisdiction. The republic consequently receives the subjects and citizens of other states, and naturalizes them in accordance with the provisions of this law.

Article 7. Expatriation and the subsequent naturalization obtained in a foreign country do not exempt a criminal from the extradition, prosecution, and punishment to which he is liable under the treaties, international practices, and the laws of the country.

Article 8. Citizens naturalized in Mexico, although they may be abroad, are entitled to the same protection from the government of the republic as Mexicans by birth where either their persons or their property are involved. Nevertheless, if they return to their native country, they remain subject to liabilities which they may have incurred under the laws of that country before their naturalization.

Article 9. The Mexican Government will protect Mexican citizens abroad by such means as are authorized by international law. The President, when he sees fit, will make use of those means, provided that they do not constitute acts of hostility; but if diplomatic intervention should not suffice, and if such means should prove inadequate, or if the offenses against Mexican nationality should be so grave as to demand more rigorous measures, the

[1] See also provisions of Article 37 of the Constitution of 1917, ante, p. 427.

President shall immediately make a report to Congress, transmitting the documents on the subject for constitutional purposes.

Article 10. The naturalization of an alien is rendered void by his residing for two years in the country of his birth, excepting where he has an official commission from the Mexican Government, or where he has its permission.

Chapter III.—Naturalization

Article 11. Any alien who complies with the requirements fixed by this law may be naturalized in the republic.

Article 12. He must make a written communication to the Common Council of his place of residence at least six months before applying for naturalization, declaring his intention to become a Mexican citizen and to renounce his foreign nationality. The Common Council shall give him a certified copy of such declaration, retaining the original in its archives.

Article 13. At the expiration of the six months, and when the alien has resided two years in the republic, he may petition the federal government to grant him his certificate of naturalization. In order to obtain it he must first appear before the District Judge in whose jurisdiction he is, and undertake to prove the following facts:

(1) That under the laws of his country he enjoys full civil rights, being of age.
(2) That he has resided in the republic at least two years, and has conducted himself properly.[1]
(3) That he has a business, trade, profession, or income to support him.

Article 14. He shall annex to the petition which he presents to the District Judge, asking that those facts be investigated, the certified copy issued by the Common Council, mentioned in Article 12, and shall annex, besides, an express renunciation of all submission, obedience, and fealty to every foreign government, especially that of which the petitioner has been a subject, of all protection other than the laws and authorities of Mexico, and of every right granted to aliens by treaties or international law.

Article 15. The District Judge after the petitioner has confirmed his petition, shall order the testimony of witnesses to be taken before the District Attorney (*Promotor fiscal*) with regard to the points recited in Article 13, and, if he thinks necessary, he may call upon the Common Council for the report on those points mentioned in Article 12.

The Judge shall also admit such other testimony as the petitioner may present with regard to the points mentioned in Article 13, and shall require the opinion of the District Attorney.

Article 16. The Judge, if his decision is favorable to the petitioner, shall forward the original record to the Department of [Foreign] Relations, that

[1] Under the Constitution of 1917, ante, a residence of five years in Mexico is required.

it may issue the certificate of naturalization if, in its opinion, there is no legal cause to prevent it. The petitioner shall send a petition to that department through the said Judge, requesting the certificate of naturalization and confirming his renunciation of his alien character, and promising adhesion, obedience, and submission to the laws and authorities of the republic.

Article 17. Aliens serving in the national merchant marine may be naturalized after one year of service on board ship, instead of the two required by Article 13. The District Judge of any of the ports at which the vessel touches shall be competent to perform the formalities incident to naturalization, and any of the Common Councils of those ports may receive the declaration referred to in Article 12.

Article 18. Aliens naturalized by virtue of the law, and those who have the right to elect Mexican citizenship, are not included in the provisions of Articles 12, 13, 14, 15, and 16; consequently the children of a Mexican man or woman who has lost his or her citizenship, referred to in section 6 of Article 1; foreign women who marry Mexicans mentioned in section 6 of the same article; the children of an alien father or of an alien mother and unknown father, born in the national territory, referred to in section 2 of Article 2; and Mexican women who are the widows of aliens, referred to in section 4 of Article 2—shall be deemed naturalized, for all legal purposes, upon simply complying with the requirements fixed by these provisions, without the necessity of further formalities.

Article 19. Aliens who come under the provisions of sections 10, 11, and 12 of Article 1 may petition the Department of [Foreign] Relations for their certificate of naturalization within the period fixed by those sections. They shall annex to their petition a document proving that they have acquired real estate, or that they have had children born to them in Mexico, or that they have accepted some public position, as the case may be. They shall present, moreover, the renunciation and promise required by Articles 14 and 16, as a preliminary to naturalization.

Article 20. Absence in a foreign country by permission of the government does not interrupt the residence required by Article 13, provided it does not exceed six months during the period of two years.

Article 21. No certificates of naturalization shall be granted to the subjects or citizens of a nation with which the republic is in a state of war.

Article 22. Nor shall they be given to persons judicially reputed and declared in other countries to be pirates, slave dealers, incendiaries, coiners of false money, or counterfeiters of bank notes or of other papers representing money, nor to murderers, kidnappers, or robbers. Naturalization fraudulently obtained by an alien in violation of law is legally void.

Article 23. Certificates of naturalization shall be issued gratuitously, it not being permissible to collect any fee for them under pretense of costs, registration, stamp, or any other appellation.

Article 24. The act of naturalization being strictly personal, the person concerned can be represented by another person only by means of a special and sufficient power of attorney for that act, containing the renunciation and promise which the party interested should make in person, according to Articles 14 and 16; but the power of attorney shall in no case supply the want of the alien's actual residence in the republic.

Article 25. The character of citizen or alien is not transmissible to third persons; consequently, a citizen can not, as such, enjoy the rights of an alien, nor an alien, as such, the privilege of a citizen.

Article 26. Change of nationality has no retroactive effect. The acquisition and restoration of the rights of Mexican citizenship can take effect only from the day following that on which all the conditions and formalities prescribed by this law for obtaining naturalization have been complied with.

Article 27. Colonists coming into the country under contracts made by the government, and whose expenses of transportation and settlement are defrayed by the government, shall be deemed Mexicans. Their engagement to renounce their original nationality and to adopt the Mexican nationality shall appear in their enrollment contract, and upon settling in the colony they shall execute before the competent authorities the renunciation and promise required by Articles 13 and 16, which shall be forwarded to the Department of [Foreign] Relations, that it may issue a certificate of naturalization in favor of the party interested.

Article 28. Colonists coming into the country on their own account, or under the auspices of private companies or enterprises not subsidized by the government, as well as immigrants of all classes, may be naturalized, according to circumstances, in conformity with the provisions of this law. Colonists already settled here are likewise subject to those provisions, so far as they do not conflict with the rights which they have acquired under their contracts.

Article 29. Naturalized aliens shall be Mexican citizens as soon as they possess the qualifications required by Article 34 of the Constitution and they shall be on an equality with Mexicans in all their rights and obligations; but they shall not be eligible to hold such offices or stations as, under the laws, require native citizenship, unless they were born within the national territory and their naturalization was effected in accordance with section 2 of Article 2.

Chapter IV.—Rights and Obligations of Aliens

Article 30. Aliens enjoy in the republic the civil rights belonging to Mexicans and the guaranties granted by section 1, of Title I, of the Constitution, without prejudice to the government's right to expel a mischievous alien.

Article 31. Aliens shall not be compelled to reside in the republic in order to acquire uncultivated national lands, real estate, or vessels, but they shall

be subject to the restrictions prescribed by the laws in force, it being understood that every lease of real estate to an alien shall be deemed an alienation if the term of the contract exceeds ten years.

Article 32. The federal law alone can modify or abridge the civil rights enjoyed by aliens by virtue of the principle of international reciprocity, and in order that the aliens may thereby be subject in the republic to the same disqualifications as the laws of their own country impose on Mexicans residing there; hence, the provisions of the Civil Code and of the Code of Civil Procedure of the [federal] district on this subject have a federal character, and shall be obligatory throughout the whole Union.

Article 33. Aliens may be domiciled in the republic for all legal purposes without losing their nationality. The acquisition, change, and loss of domicile are governed by the laws of Mexico.

Article 34. When the suspension of individual guaranties is declared under the circumstances under which it is permitted by Article 29 of the Constitution, aliens as well as Mexicans are subject to the provisions of the law decreeing the supension, without prejudice to the stipulations of treaties.

Article 35. Aliens are bound to contribute to the public expenses in the manner prescribed by the laws, and to obey and respect the institutions, laws, and authorities of the country; they must submit to the judgments and decisions of the courts, and have no right to have recourse to other measures than those which the laws grant to Mexicans. They may appeal to the diplomatic channel only in the case of denial of justice or intentional delay in its administration, after exhausting in vain the ordinary means created by the laws and in the manner prescribed by international law.

Article 36. Aliens do not enjoy the political rights of Mexican citizens; hence, they can not vote for, nor be elected to, any office filled by election of the people, nor can they be appointed to any other office or position in the government service; nor can they belong to the army, navy, or national guard; nor can they assemble to discuss the political affairs of the country, nor exercise the right of petition regarding such matters. This is to be understood as not affecting the provisions of Article 1, section 12, and Article 19, of this law.

Article 37. Aliens are exempt from military service. Domiciled aliens, however, are bound to perform police service when the security of property or the maintenance of order in the town in which they are residing is involved.

Article 38. Aliens taking part in the civil dissensions of the country may be expelled from its territory as mischievous aliens, and are subject to the laws of the republic as to the offenses which they commit against it, without prejudice to the regulation of their rights and obligations during a state of war, by international law and treaties.

Article 39. The laws ordering the registration of aliens are repealed. The

Ministry of [Foreign] Relations alone can issue certificates of any given nationality in favor of the aliens requesting them. These certificates constitute a legal presumption of foreign citizenship, but do not exclude proof to the contrary. The final proof of any given nationality is made before the competent courts and by the means prescribed by the laws and treaties.

Article 40. This law does not grant to aliens the rights denied them by international law, treaties, or the legislation in force in the republic.

Chapter V.—Temporary Provisions

Article 1. Aliens who have acquired real estate, who have had children born to them in Mexico, or who have held any public office, being those referred to in sections 10, 11, and 12 of Article 1 of this law, are bound to declare within six months after the promulgation of this law, provided they have not done so previously, to the civil authorities of their place of residence whether they wish to acquire Mexican citizenship or to retain their own. In the former case they must immediately ask for their certificate of naturalization in the form prescribed in Article 19 of this law. If they fail to make the declaration in question, they shall be considered Mexicans, except in those cases where there has been an official declaration on this point.

Article 2. Colonists residing in the country, being those referred to in the last sentence of Article 29 of this law, shall declare in the manner prescribed by the preceding article under what nationality they wish to be classed, and if it should be the Mexican, they shall also ask for their certificate of naturalization, as prescribed by the preceding article.

Article 3. The Executive, in issuing the necessary regulations for the execution of this law, shall be careful to give the proper directions in order that the local authorities, so far as they are concerned, may duly execute it.

MONACO

EDITORS' NOTE. The Civil Code of Monaco of 1880 provided in Articles 8, 9, 10 and 17 to 21 for nationality. According to this code,[1] a child born in Monaco of a foreigner who was himself born in the principality did not acquire Monegasque nationality. The ordinance of July 8, 1887[2] modified the above articles of the Civil Code. According to this ordinance, a child born in Monaco of a foreigner who was himself born in the country was a Monegasque. Prior to this ordinance every person who was domiciled in Monaco for ten years after attaining majority became a Monegasque by right. The ordinance provided that naturalization was at the pleasure of the Prince. The law of June 26, 1900[3] modified Articles 19 and 21 of the code. Article 19, as modified, provided that a Monegasque woman who married an alien lost her nationality if she acquired her husband's nationality. Article 19 was again modified by the law of May 20, 1909,[4] which facilitated naturalization for certain classes of persons.

The Constitutional Law of January 5, 1911[5] provided (Title II, Article 5) that all persons wherever born of a Monegasque father acquired his nationality. An alien woman who married a Monegasque acquired his nationality. This law provided also for naturalization. The provisions of Article 5 of the above law were embodied in Articles 8, 9, 10 and 12 of the Civil Code. The ordinance of April 13, 1911[6] modified Articles 8, 9, 10, 17, 18 and 20 of the Civil Code. The law of July 10, 1914[7] repealed the law of May 20, 1909. The Civil Code now in effect is the Code of November 6, 1913.

BIBLIOGRAPHY: Cahn, 494; "Comment les étrangers peuvent-ils acquérir la nationalité monégasque?" Clunet (1890) 58; Folleville, 582; Lehr, 140; Magnus, 76; "La nationalité monégasque d'après la nouvelle constitution de Monaco," *Rev. de dr. int. pr.* (1911) 193; Rolland, "Condition juridique des étrangers dans la Principauté de Monaco," Clunet (1890) 54.

For comment on the Civil Code of 1880, see *Ann. de lég étr.* (1901) 293. For comment on the ordinance of July 8, 1887, see Clunet (1877) 461. For comment and text of the ordinance of July 8, 1887, see *Ann. de lég. étr.* (1901) 293. For the text of the law of June 26, 1900, in French, see *Rev. de dr. int. pr.* (1911) 195. For comment on the ordinance of May 21, 1909, see *Ann. de lég. étr.* (1909) 250. For the text of the Constitutional Law of January 5, 1911, in French, see *Rev. de dr. int. pr.* (1911) 198. For comment on the ordinance of April 13, 1911, see *Ann. de lég. étr.* (1911) 382. For the text of the ordinance of October 7, 1919, in French, see *Rev. de dr. int. pr.* (1921) 419. For text of Code of 1913, see *Br. Parl. Papers Misc.* No. 2 (1927), Cmd. 2852.

CIVIL CODE OF NOVEMBER 6, 1913[8]

[TRANSLATION]

ENJOYMENT AND DEPRIVATION OF CIVIL RIGHTS

7. Every Monegasque subject shall enjoy civil rights.
8. The following are Monegasque subjects:

[1] Folleville, 583.
[2] *Ann. de lég. étr.* (1901) 293.
[3] *Rev. de dr. int. pr.* (1911) 195.
[4] *Ann. de lég. étr.* (1909) 250.
[5] *Rev. de dr. int. pr.* (1911) 198.
[6] *Ann. de lég. étr.* (1911) 382.
[7] Clunet (1917) 835.
[8] Text from *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852.

(1) Every individual born in the principality or abroad of a Monegasque father;

A natural child whose affiliation is established during its minority by recognition or by judgment follows the nationality of that parent in respect of whom it has been first established. If it is established in respect of the father and the mother by concomitant acts or judgments, the child follows the nationality of the father.

(2) Every individual born in the principality of unknown parents or whose nationality is unknown.

9. Monegasque nationality is acquired by naturalization.

Naturalization is granted by sovereign ordinance after enquiry as to the morality and position of the applicant, and proof that it would cause him to lose his former nationality and would definitely release him from obligations of military service in a foreign country.

The following are permitted to apply for naturalization:

(1) Any alien who proves that he has resided ten years in the principality, after he has attained the age of twenty-one complete years.
(2) Any alien who has obtained from the Prince authority to establish his domicile in the principality in accordance with Article 13 of the Civil Code, after three years of domicile from the date of the promulgation of the authorizing ordinance.

10. The following may, moreover, be naturalized without conditions of probation:

(1) Any alien whom the Prince may judge to be worthy of this favor.
(2) Any woman married to an alien, whose husband applies for naturalization or has already obtained it.
(3) The adult children of this alien, provided that they reside in the principality.

The minor children of a father or a surviving mother who obtains naturalization become Monegasque subjects, unless, within one year of attaining their majority as laid down by the present code, they decline this status by a declaration made before the *Officier de l'Etat civil*, who shall register it immediately.

11. An alien shall enjoy in the principality the same civil rights as those which are or may be accorded to Monegasque subjects by the laws of the country to which this alien belongs.

12. An alien woman who has married a Monegasque subject follows the nationality of her husband.

13. An alien who has been permitted by the Prince to establish his domicile in the principality will enjoy therein all civil rights so long as he continues to reside there.

14. An alien, even if not residing in the principality, may be cited to appear before the Monegasque tribunals in the cases specified by the Code of Civil Procedure.

15. Monegasque subjects domiciled in the principality may be brought before the Monegasque tribunals on account of obligations contracted by them in a foreign country, even with an alien.

The provisions of this article and of the foregoing will be applicable to societies as to individuals.

16. Save for the exceptions prescribed in the Code of Civil Procedure an alien who is a plaintiff shall give security, in accordance with the provisions of the said code, for the payment of the costs and damages arising from the action.

Chapter II.—Deprivation of Civil Rights

section 1

17. The following lose the status of Monegasque subject:

(1) Any person who obtains naturalization in a foreign country, or who acquires, at his request, foreign nationality by virtue of the law.
(2) Any person who declines Monegasque nationality in the cases prescribed in the last paragraph of Articles 10 and 18.
(3) Any person who, having accepted public duties conferred upon him by a foreign government, retains them in spite of the injunction of the Monegasque Government to resign them within a specified term.
(4) Any person who without permission of the government accepts military service in a foreign country.

18. A Monegasque subject who has lost this status may regain it, provided that he resides in the principality, on obtaining his reinstatement by sovereign ordinance.

The status of Monegasque subject may be granted by the same ordinance to the wife and adult children if they apply for it.

The minor children of the reinstated father or mother become Monegasque subjects, unless within one year of attaining their majority, they decline this status by a declaration before the *Officier de l'Etat civil* in the manner stated in Article 10.

19. A Monegasque woman who marries an alien acquires the nationality of her husband, unless her marriage does not have the effect of conferring it upon her, in which case she remains a Monegasque subject.[1]

20. If a Monegasque woman married to an alien becomes a widow or is divorced, she may regain the status of Monegasque subject under the conditions indicated by the first paragraph of Article 18.

[1] A second paragraph of this article has been canceled by the ordinance of July 10,1914.

The other provisions of the same article are applicable to adult and minor children born of the marriage dissolved.

21. Persons who acquire or recover the status of Monegasque subjects in the cases provided by Articles 9, 10, 18, 19 and 20, can only avail themselves of it for the rights to which they are entitled from that date.

NETHERLANDS

EDITORS' NOTE. The revised Constitution of November 30, 1887 [1] provided in Article 6 that nationality and residence should be governed by law and that naturalization may be granted only by means of specific legislation. Nationality was also dealt with in the Civil Code, under the heading "Dutch Nationals and Foreigners," and in the Act of July 28, 1850,[2] which provided for naturalization and which was amended by the Act of May 3, 1851.[3] The provisions of the code, together with those of the last two acts, were replaced by the Act of December 12, 1892, which is still in force. The enforcement of this act was provided for in the circular of May 20, 1893. The Act of 1892 was amended by the law of July 8, 1907,[4] which provided for the naturalization of former Dutch nationals who had lost their nationality. It was also modified by the Act of February 10, 1910.[5]

Article 7, paragraph 5, of the law of December 12, 1892 was modified by the law of July 15, 1910,[6] while further modifications of the act also were provided by the law of December 31, 1920.[7]

The status of Dutch subjects of the population of the Netherland East Indies was regulated by the Act of February 10, 1910,[8] made applicable to the population of Surinam and Curaçao by the Act of June 10, 1927.

BIBLIOGRAPHY: "Law regarding nationality," Note, *Bull. de lég. comp.* (1877) 537; Laws of July 8, 1907 and February 10, 1912, modifying that of December 12, 1892, Clunet (1918) 887; Keller-Trautmann, 730; Lehr, 154; Magnus, 78; "La fraude des naturalisations," Note, *Rev. de dr. int. pr.* (1925–26) 169; Zeballos, I, 484.

For the text of the law of July 28, 1850, in Dutch, see *Staatsblad* (1850), No. 44. For comment, see *Ann. de lég. étr.* (1893) 497. For the text of the law of December 12, 1892, in Dutch, see *Staatsblad* (1892), No. 268; in English, see 84 *Br. and For. St. Papers*, 663; Cit. Bd. Report (1906) 460; in French, see Clunet (1918) 882; in German, Hamburg Polizeibehörde, *Gesetze über die Staatsangehörigkeit* (1898) 121. For comment, see H.-J.-A. Mulder, *Wet van 12 december 1892 op het Nederlanderschap en het Ingezetenschap* (Hague, 1893), reviewed in *Bull. de lég. comp.* (1894) 444. For comment and text, see *Ann. de lég. étr.* (1893) 497. For the text of the law of July 8, 1907, in Dutch, see *Staatsblad* (1907), No. 177. For comment see *Ann. de lég. étr.* (1907) 636. For comment on Law No. 55, of February 10, 1910, see *Ann. de lég. étr.* (1910) 320. For the text of Law No. 56, of February 10, 1910, in Dutch, see *Staatsblad* (1910), No. 56; in French, see *Ann. de lég. étr.* (1910) 320. For the text of the law of July 15, 1910, in Dutch, see *Staatsblad* (1910), No. 216; in French, see Clunet (1918) 888. For comment, see *Ann. de lég. étr.* (1910) 321.

LAW OF DECEMBER 12, 1892[9]

AS AMENDED BY THE ACTS OF JULY 8, 1907, FEBRUARY 10, 1910, JULY 15, 1910, AND DECEMBER 31, 1920

[TRANSLATION]

Having taken into consideration that it is desirable, in substitution of the chapter in the Civil Code, under the heading "Dutch Nationals and For-

[1] Clunet (1927) 836. [2] *Ann. de lég. étr.* (1893) 497. [3] Zeballos, I, 484.
[4] *Ann. de lég. étr.* (1907) 636. [5] Id. (1910) 320; *Staatsblad* (1910), No. 55.
[6] *Ann. de lég. étr.* (1910) 321. [7] *Jour. of Soc. of Comp. Lég.* (1922) 191. [8] Post.
[9] Text from enclosure with Despatch No. 365, November 19, 1924, from the American Minister to the Netherlands to the Secretary of State.

eigners," and of the Act of July 28, 1850 (State Journal, No. 44) amended by that of May 3, 1851 (State Journal, No. 46), to lay down general regulations concerning Dutch nationality, and that, in compliance with Article 6 of the Constitution, the Act also must define who are residents and that the consequences of naturalization with respect to the husband and minor children of the naturalized national, must also be laid down by law;

We, therefore, having heard the Council of State and having consulted the States General, have approved and decreed that it shall be enacted as hereinafter follows:

Article 1. Dutch nationals by birth are:

(a) the legitimate or legitimated child or any child born outside of wedlock, recognized by the father, provided that the father, at the time of the birth, had the status of a Dutch national;
(b) the legitimate child of a Dutch national who died within 300 days previous to the birth of the child;
(c) the child born outside of wedlock acknowledged only by the mother, provided that that mother, at the time of the birth, had the status of a Dutch national;
(d) any child born outside of wedlock in the kingdom, not acknowledged by either the father or the mother.

Article 2. Dutch nationals are also:

(a) a child of a resident in the kingdom, either father or mother, according to the distinction laid down in Article 1,—who was itself born of a mother living in the kingdom, unless it should appear that the child, as a foreigner, is a national of another country;
(b) any child who may have been left in the kingdom and taken up as a foundling or who may have been abandoned here, as long as nothing shall appear concerning its descent, either as legitimate or legitimated or as recognized offspring.

Article 3. Dutch nationality by naturalization shall be acquired on the coming into force of the law by which this shall have been granted.

For each and every naturalization, there shall be due to the Treasury, a sum of at least 200 guilders and at most of 1000 guilders, according to the assessment in the income tax or in the income tax of one of the colonies or possessions in another part of the world, for the lapsed financial year previous to the lodging of such request for naturalization, especially in the measure that with a taxable income of f. 3000, or lower, a sum of 200 guilders shall be due, while for every full amount of 2000 by which the taxable income shall exceed the aforesaid sum of 3000 guilders, the amount so due shall be increased by 100 guilders, with this understanding, however, that at the highest, a sum of 1000 guilders shall be due.

With respect to those who shall have lost their Dutch nationality, the duty for these, shall be fixed at a certain sum of 200 guilders.

With the request to become naturalized, the person making such request must produce proofs:

(1) that he has attained his majority according to the laws of the Netherlands;
(2) that he has lost Dutch nationality or that during the past five years the place of residence or chief place of abode has been in the kingdom or its colonies or possessions in other parts of the world;
(3) that the amount due for naturalization shall have been deposited with a Surveyor at the Registration Offices.

Such Surveyor shall be entitled to require production of proofs from which the amount, as referred to hereinbefore, of the taxable income appears.

If the person requesting naturalization is a national of another country, proofs may be required that the legislation of that country presents no obstacle to naturalization as a Dutch national.

In the event of naturalization not being granted, the sum deposited will be returned to the person making the application for naturalization.

(Note: This article was again laid down by the Act of December 31, 1920, State Journal, No. 955.)

Article 3 bis. The sum mentioned in the preceding article shall not be due for the naturalization of those who have lost their Dutch nationality pursuant to Article 7, sub. 5. In that case it shall be sufficient for the applicant to produce, with the request for naturalization, proofs that he has possessed the status of a Dutch national.

The stipulation laid down in the first paragraph shall not be of application to those who have once been naturalized pursuant to the regulations regarding gratuitous naturalization nor to such persons who, having lost their Dutch nationality, shall have committed any act, by which, being a Dutch national, their Dutch nationality shall have been forfeited.

(Note: This article was inserted by the Act of July 8, 1907, State Journal, No. 177.)

Article 4. Naturalization may also be granted for reasons of state interests. In such cases Article 3 shall not be of application.

The Act by which this is granted regulates, in every such case, the conditions attaching to such naturalization.

Article 5. During marriage the wife follows the nationality of her husband.

A request to become naturalized cannot be made by a married woman.

Naturalization granted to the husband is of legal effect also for his wife.

After the dissolution of a marriage, Article 8 or Article 9 is of effect.

Article 6. The legitimate or legitimated child of a father who shall have become a naturalized Dutch national, born previous to the latter having become a naturalized national, as well as the child recognized by the father who has become a naturalized national, born previous to the father's natural-

ization, shall also be considered as having become naturalized and shall retain the status of a Dutch national until such time as such child shall have attained his majority within the meaning of the laws of the Netherlands, provided that within the year afterwards, he shall not have given notice to the Burgomaster or the head of the local government in the place where he has had his last place of residence in the kingdom or its colonies or possessions in other parts of the world or to the Dutch diplomatic minister or a Dutch consular official in the country where such person is living, to the effect that he is no longer desirous of being included in that naturalization.

The same shall be of effect with respect to the legitimate or legitimated child, should the mother have become a widow and have become naturalized and also with respect to the illegitimate child, acknowledged only by the mother and born before the naturalization of the latter.

Article 7. Dutch nationality becomes forfeited:

(1) By naturalization in another country or, for so far as regards minors, by participation in foreign nationality through naturalization either of the father or the mother, according to the distinctions laid down in Article 1, in another country;

(2) by the marriage of a Dutch woman with a man who does not possess the status of a Dutch national;

(3) by the acquiring of a foreign nationality at the desire of the person acquiring such foreign nationality;

(4) by anyone who, without OUR permission, enters into foreign state or military service;

(5) for so far as regards Dutch nationals born outside the kingdom and its colonies or possessions in other parts of the world, by having a residence, except in the service of the state, outside of the kingdom and its colonies or possessions in other parts of the world, for a period of ten consecutive years, unless notice be given of the intention to retain Dutch nationality, before the lapse of that period, to the Burgomaster or head of the local government of the last place of residence in the kingdom or its colonies or possessions in other parts of the world or to the Dutch diplomatic minister or a Dutch consular official in the country where such person is residing.

From the date when such notice shall have been given, the aforesaid period of ten years shall begin afresh.

With respect to minors, the period of ten years begins to take effect from the date of their having attained their majority, pursuant to the laws of the Netherlands.

(Note: What is prescribed in paragraph 2 has thus been further revised by the Act of February 10, 1910, State Journal, No. 56.)

What is prescribed in paragraph 5 has thus been further prescribed by the Act of July 15, 1910, State Journal, No. 216. That Act contained the following stipulation for the period of transition:

Anyone born in the kingdom or its colonies or possessions in other parts of the world, having lost Dutch nationality, pursuant to what is prescribed in Article 7, sub. 5, of the Act of December 12, 1892 (State Journal, No. 268) as this reads unamended, regains his Dutch nationality on the date of the coming into force of this Act, unless at the time of such coming into force, he shall belong to another nationality.

The foregoing paragraph is not of application to married women.

The regaining of Dutch nationality, as referred to in the first paragraph of this stipulation for the period of transition, has the same effect for the person so affected as for his wife and children as a naturalization granted pursuant to Article 3 of the aforesaid Act of December 12, 1892 (State Journal, No. 268).

Article 8. A woman who, owing to or as a consequence of her marriage, shall have lost the status of a Dutch national, shall regain that status on the dissolution of her marriage, provided that, within a year after such dissolution, she shall give notice of her desire to regain this, to the Burgomaster or head of the local government of her place of residence in the kingdom or its colonies or possessions in other parts of the world or to the Dutch diplomatic Minister or a Dutch consular official in the country where she is residing.

Article 9. A woman who, owing to or as a consequence of her marriage acquires the status of a Dutch national, shall retain this after the dissolution of that marriage, unless, within a year afterwards, she shall have given notice to the Burgomaster or head of the local government at her last place of residence within the kingdom or its colonies or possessions in other parts of the world or to the Dutch diplomatic Minister or a consular official in the country where she is residing that she is no longer desirous of retaining same.

Article 10. A legitimate or legitimated or recognized child, born out of wedlock, of a Dutch national, born previous to the latter having become naturalized in another country as a consequence of which such child shall also have lost its Dutch nationality, shall regain that status, provided that, within a year after attaining its majority, pursuant to the laws of the Netherlands, notice of the desire to regain that nationality shall be given to the Burgomaster or the head of the local government of the place of residence within the kingdom or its colonies or possessions in other parts of the world or to the Dutch diplomatic Minister or a Dutch consular official in the country where such residence shall have been established.

The same applies with respect to the legitimate or legitimated child, should the mother, on becoming a widow, have been naturalized in another country, and, with respect to illegitimate children, recognized only by the mother who had become naturalized in another country.

Article 11. The Minister for Justice, once a year, shall announce in the State Journal (*Staatscourant*) a list of all notices given pursuant to this Act, received from foreign countries.

Article 12. All who do not possess the status of a Dutch national or those who are not Dutch subjects under any other heading, are aliens.

Article 13. Residents of the kingdom are those who have their dwelling place in the kingdom and who have had it therein during the preceding eighteen months or in the colonies or possessions in other parts of the world.

Article 14. Residence in the kingdom ceases to exist on setting up a place of residence outside of the kingdom.

Article 15. A minor, pursuant to the laws of the Netherlands, whose father or guardian is a resident in the kingdom, is considered as being such.

On attaining majority, such a one retains the qualification of being a resident in the kingdom, provided he establishes his place of residence within the kingdom.

Article 16. The regulations of residence, occurring in special Acts, shall only be of effect in so far as they have reference to the matters treated in those Acts.

Clause Regarding the Period of Transition

With the exception of those who are considered, pursuant to the Act of September 2, 1854 (State Journal, No. 129), in the Netherland East Indies, as natives and of those on the same level as these, those who, on the coming into force of this Act, are possessed of the status of Dutch nationals, are Dutch nationals within the meaning of this Act, until they shall have lost Dutch nationality pursuant to this Act. For those who have their dwelling place, at that time, outside of the kingdom and its colonies or possessions in other parts of the world, the period of ten years, referred to in Article 7, sub. 5, shall begin to be of effect from the aforesaid period.

Those who, at the period of the coming into force of this Act, shall have been born in the kingdom of parents not established there, and who shall not have attained the age of twenty-four years, shall acquire the status of a Dutch national, by giving notice of their intention of continuing to reside in the kingdom to the Burgomaster at the place of residence within the year after that period or, in the event of their still being minors, pursuant to the laws of the Netherlands, within the year after having attained their majority.

With respect to foreigners who, at the time of the coming into force of this Act, shall have complied with Article 8 of the Civil Code with regard to the application of the civil law and of Article 19 of the Act of August 13, 1849 (State Journal, No. 39), amended by the Act of April 6, 1875 (State Journal, No. 66), the equality with Dutch nationals will continue to be maintained as long as they shall retain their residence in the kingdom.

(Note: Article 8 (superseded) of the Civil Code reads: "Foreigners will be put on an equality with Dutch nationals in the following two cases:

1. When, as a consequence of the permission of the Crown, they shall have established their place of residence within the kingdom and shall have pro-

duced evidence of having obtained that permission to the communal administration of such place of residence;

2. When, after having established their dwelling place in a community in the kingdom and having retained that dwelling for a period of six years in the same community, they shall have given notice to the local authorities there of their intention to continue to reside in the kingdom.")

Final Stipulations

Subject to what has been laid down in the preceding stipulations regarding the period of transition, on the coming into force of this Act, the Articles 5 to 12 inclusive, forming the second heading of Tome I of the Civil Code and the Acts of July 28, 1850 (State Journal, No. 44) and of May 3, 1851 (State Journal, No. 46) have been cancelled, as well as the Act of December 21, 1850 (State Journal, No. 75).

In the Acts in which there is reference to Dutch nationals, either pursuant to the Civil Code or to the Act for the carrying into effect of Article 7 of the Constitution (Acts of July 28, 1850, State Journal, No. 44, and of May 3, 1851, State Journal, No. 46), instead of these words there shall be read: "Dutch nationals pursuant to the Act regarding Dutch nationality and residence," except in the case of Article 22 of the Act of April 6, 1875, State Journal, No. 66, in which the words "pursuant to the Civil Code" shall be read: "pursuant to the Act regarding Dutch nationality and residence, as well as those who were born in the Dutch colonies or possessions in other parts of the world of parents established there."

This Act shall come into force on July 1, 1893.

It is ordered and commanded that this shall be inserted in the State Journal and that all ministerial departments, authorities, state bodies and officials, whom it shall concern shall take in hand the accurate carrying out thereof.

LAW OF FEBRUARY 10, 1910[1]

AS AMENDED BY THE ACT OF JUNE 10, 1927

[Translation]

Article 1. Even when not Netherlanders according to the Act regarding Netherland nationality and residence, the following are Netherland subjects:

(1) those who are born in the Netherland Indies, Surinam, or Curaçao of parents domiciled there, or if the father is unknown, of a mother domiciled there;
(2) those born in the Netherland Indies, Surinam, or Curaçao whose parents are unknown;

[1] Text from *Staatsblad* (1927), No. 175.

(3) the wife or not remarried widow of a subject within the meaning of (1) or (2);
(4) the unmarried children, not born in the Netherland Indies, Surinam, or Curaçao, of a subject within the meaning of this article, as long as they are not yet eighteen years of age;
(5) those children born outside the Netherland Indies, Surinam, or Curaçao of parents who are subjects pursuant to this article, if after their marriage or after having reached the age of eighteen years they reside or have come to reside in the kingdom, as well as their wives and unmarried children who are not yet eighteen years of age, if they have also come to reside in the kingdom.

Article 2. The status of Netherland subject provided for in Article 1 is lost:

(1) by naturalization in a foreign country. This loss extends to the woman married to the naturalized person and to his children who are not yet eighteen years of age;
(2) by marrying a man who does not fall under the terms of Article 1 (1), (2), or (5);
(3) by entering into foreign military or state service without the permission of the King or, in the Netherland Indies, Surinam, or Curaçao, of him who rules there in the name of the King;
(4) in case of residence in a foreign country, by omitting to give notice within three months after arrival to a Netherland consular official in that country and, when such residence is continued, by omitting to repeat that notice within the first three months of each calendar year.

The notice given by the husband or father for his wife or children and by the widow for her children has the same effect as if the notice had been given by the wife or children themselves.

Those who have lost their status as Netherland subjects in virtue of the stipulations under (4) and subsequently do not find themselves in the condition specified in (1), (2), or (3), shall recover that status by settling in the Netherland Indies, Surinam, or Curaçao.

Article 3. This Act is also binding in the colonies and possessions in other parts of the world.

NICARAGUA

EDITORS' NOTE. The Constitution of August 19, 1858, which replaced that of November 12, 1838,[1] provided that persons born in Nicaragua of Nicaraguan parents or of domiciled foreigners acquired nationality *jure soli*. Children born abroad of Nicaraguan parents could acquire Nicaraguan nationality, if they so elected. The decree of February 18, 1861,[2] provides for naturalization, while that of March 30, 1875 enacts that the holding of real estate by foreigners should not result in the loss of their foreign nationality except for nationals of countries which deny the rights of real estate holding to Nicaraguans. The Constitution of December 10, 1893 as revised in 1905[3] (Article 7) conferred Nicaraguan nationality on children born abroad of Nicaraguan parents or of domiciled foreigners. In regard to children born abroad of Nicaraguan parents the provisions of the Constitution of 1858 were maintained. The law of September 8, 1894[4] provided that a Nicaraguan woman who married an alien lost her nationality if she acquired his nationality. The Constitution of Nicaragua of 1906 has been superseded by the Constitution of 1911 as amended on April 12, 1913.

BIBLIOGRAPHY: Cit. Bd. Report (1906) 467; Lehr, 144; Zeballos, II, 25.

For the text of the Constitution of 1905, in English, see Rodriguez, I, 300. For the text of the Constitution of 1911, in Spanish, see *Constitución política de la República de Nicaragua* (Managua, 1912); in German and Spanish, see Keller-Trautmann, 729.

CONSTITUTION OF NOVEMBER 10, 1911[5]

[TRANSLATION]

TITLE V.—NICARAGUANS

Article 7. Nicaraguans are native or naturalized.

Article 8. The following are natives:

(1) Persons born in Nicaragua of parents who are Nicaraguans or domiciled foreigners.

(2) Children who are born abroad of a Nicaraguan father or mother, provided they elect Nicaraguan nationality.

Article 9. The following are naturalized:

(1) Natives of other Central American Republics, who reside in Nicaragua, and declare their desire to be Nicaraguans before the competent authority.

(2) Foreign women who marry Nicaraguans.

(3) Spanish Americans who have resided one year in the country, and other foreigners who have resided there two years, provided they declare their desire to become naturalized before the proper authority.

[1] Zeballos, II, 25. [2] Post. [3] Lehr, 144.

[4] Ibid.

[5] Text from enclosure with Despatch No. 780, August 24, 1928, from the American Minister to Nicaragua to the Secretary of State. The amendments of 1913 did not modify Articles 7 to 22.

(4) Persons who have secured naturalization papers according to law.

Article 10. The following persons shall forfeit their Nicaraguan nationality:

(1) Those who without residing in Nicaragua voluntarily secure naturalization in a foreign country not situated in Central America. However, they shall recover their Nicaraguan nationality by reestablishing their domicile in Nicaragua at whatever time this may occur.

(2) Nicaraguan women who marry foreigners, provided they acquire the nationality of their husbands according to the law of the nation of the latter, but they shall recover Nicaraguan nationality upon becoming widows, if they lose the nationality of their husbands by reason of this cause.

Article 11. The provisions of this title may be modified by treaties, on condition of reciprocity.

Title VI.—Foreigners

Article 12. The Republic of Nicaragua shall be a safe asylum for any person seeking refuge in its territory.

Article 13. Foreigners in Nicaragua shall enjoy all the civil rights of Nicaraguans; they are obliged to respect the authorities and to obey the laws, and, in regard to property acquired by them in the country, they shall be subject to all ordinary or extraordinary taxes levied against Nicaraguans.

Article 14. Foreigners shall not be allowed to lay claims against or demand any indemnity of the state, except in the cases and in the manner in which Nicaraguans may do so.

Article 15. Foreigners may resort to diplomatic channels only in case of denial of justice. The fact that any executory judgment is unfavorable to the claimant shall not be considered as such denial. If, in contravention of this provision, they shall not amicably terminate the claims preferred by them, they shall forfeit the right to dwell in the country.

Article 16. Extradition for political crimes is prohibited even though a common law crime arises therefrom.

Treaties and the law shall specify the cases in which extradition may take place for grave common law crimes.

Article 17. The law shall establish the cases and the manner in which foreigners may be refused admission to, or be expelled from, the country.

Title VII.—Citizens

Article 18. All Nicaraguans who have reached the age of twenty-one years shall be citizens, as well as all those who have reached the age of eighteen who are married, or who are able to read and write.

Article 19. The following are the rights of citizens:

(1) Suffrage.
(2) To hold public office.
(3) To have and bear arms; all in accordance with the law.

Article 20. The rights of a citizen are suspended:

(1) By a warrant for imprisonment or a declaration that there are grounds for indictment.
(2) By a sentence involving disfranchisement of the exercise of political rights, during the term of the sentence.
(3) By a sentence imposing a penalty greater than a correctional penalty, as long as rehabilitation has not been obtained.
(4) By mental incapacity.
(5) By being a fraudulent debtor.
(6) By notoriously vicious conduct.
(7) By ingratitude toward one's parents, or unrighteous abandonment of wife or minor legitimate children.

A previous legal declaratory decree shall be necessary in case of the grounds set forth under paragraphs 4, 5, 6 and 7.

(8) By acting in Nicaragua in the employ of foreign (not Central American) nations without the permission of the legislative power.

Article 21. The right to vote is individual and can not be delegated.

Article 22. Suffrage shall be direct and public. Elections shall be held at the time and in the manner prescribed by law.

LAW OF FEBRUARY 18, 1861[1]

[Translation]

Article 1. In addition to the manner of being naturalized in the republic by concession of Congress, as provided for by fraction 9, Article 41, of the Constitution, foreigners may obtain naturalization:

(1) Natives of Central America who have resided for one year within the republic.

(2) Natives of Spanish America who have resided for two years, and all other foreigners who have resided for four years within the republic.

Article 2. Natives of Central America have only to declare their wish to be naturalized in the republic at the expiration of the year of residence, but natives of Spanish America must declare their intention to become naturalized citizens one year before, and all other foreigners two years before.

Article 3. Natives of Central America, Spanish America, and other foreigners who, before the emission of this law, have resided within the republic for the time specified in the foregoing article, have only to declare their wish to be naturalized before the municipal or other authority mentioned in the following article.

Article 4. The form of expressing the intention to settle in the republic

[1] Text from *Br. Parl. Papers*, Misc. No. 3 (1893), Cmd. 7027.

and acquire the rights of a Nicaraguan, is for the petitioner to present himself before the municipality or local authority of the place of which he desires to become a citizen.

Article 5. The municipality or local authority will enter the petition in the record book, will give a certificate to the petitioner of his having thus declared his intention, and will pass the corresponding advice in writing to the Prefect of the department for his (the Prefect's) information. When the necessary time for naturalization shall have elapsed, and the beforementioned authority shall be satisfied that such time has elapsed, he will grant the petitioner a certificate attesting that he is now a naturalized Nicaraguan.

PRESIDENTIAL DECREE OF MARCH 30, 1875[1]

[TRANSLATION]

The President of the republic to its inhabitants:

Considering that in certain cases some officials have entertained doubts as to the right of foreigners to acquire real estate in the republic without losing their original nationality; that even if such right should be denied to them by the law of May 15, 1851, yet, in some treaties of friendship, commerce, and navigation (signed with foreign nations), such rights are conceded, whilst in others no definite mention of them has been made; but on the principle that whatever advantage may have been conceded to another nation should also be granted to the high contracting party in exchange for complete reciprocity; and taking into consideration that a laborious and peaceful immigration is a great fount of richness and civilization for every country, the President, by virtue of the power in him invested, decrees:

Article 1. Citizens and subjects of the nations with whom Nicaragua has treaties of friendship shall enjoy, without losing their original nationality, the right of purchasing and holding within the republic real estate of whatsoever nature, under the same conditions as natives of the country, so long as the nation to whom such citizen or subject shall belong do not refuse within their dominion equal rights to the natives of Nicaragua. Should such rights be denied to Nicaraguans, the real estate acquired by virtue of the present decree shall be sold by the owner within the period of one year from the date of such denial, or the holder shall forfeit his foreign nationality.

Article 2. This decree shall be embodied entire in every deed of sale that, by virtue of said decree, shall be drawn up, under penalty of nullity; and the public official who shall attest such deed without this requisite shall be responsible to whom it may concern for all loss, damage, and expense.

[1] Text from *Br. Parl. Papers*, Misc. No. 3 (1893), Cmd. 7027.

LAW OF OCTOBER 3, 1894[1]

REGARDING ALIENSHIP

[TRANSLATION]

Article 1. Foreigners are:

1st. All persons born of foreign parents outside of Nicaraguan territory.
2d. Those born outside of Nicaraguan territory of a foreign father and Nicaraguan mother as long as they do not claim Nicaraguan nationality.
3d. Those born in Nicaraguan territory of foreign parents who are not naturalized or of a foreign father and a Nicaraguan mother, as long as they do not claim Nicaraguan nationality.
4th. Those born outside of Nicaraguan territory of naturalized parents who have lost their nationality.
5th. A woman of Nicaraguan birth married to a foreigner.

Article 2. A woman born in Nicaragua who becomes a widow, resumes Nicaraguan nationality if she continues to reside in, or returns to the republic.

The Nicaraguan woman who does not acquire, by marriage, the nationality of her husband, according to the laws of his country, retains her nationality. The change of the nationality of the husband, if it takes place after marriage, changes the nationality of the wife and children making them subject to the new fatherland on condition that they live in the country of the naturalization of the husband or father respectively.

Article 3. The nationality of moral or juridical persons or institutions is regulated by the law that authorizes their organization; consequently all corporations constituted in conformity with the laws of Nicaragua shall be Nicaraguan whenever there are acts and contracts implied, which are made effective in the republic or have their legal domicile in the country.

Article 4. Foreigners who acquire naturalization papers according to law will be considered as Nicaraguans.

. . . . .

Article 30. The dispositions of this law do not include the foreign diplomatic representatives nor the persons depending upon them, who will be treated according to the dispositions of international law.

Article 31. The naturalization of a foreigner shall remain without effect by the fact of his residing in his native country for five years, unless he has obtained for this purpose the permission of the Nicaraguan Government.

Article 32. Nicaraguans naturalized in foreign countries shall be subject to the Nicaraguan nationality when they reside in Nicaraguan territory.

[1] Text from enclosure with Despatch No. 428, November 13, 1894, from the American Minister to Nicaragua to the Secretary of State.

NORWAY

EDITORS' NOTE. The law of June 15, 1878 [1] modified paragraph 92 of the Constitution of November 4, 1814, by providing that in order to be elected to a public office a Norwegian citizen had to be born within the kingdom of Norwegian subjects, or born abroad of Norwegian subjects who were not at the time nationals of any other country. The Constitution of 1815 [2] provided for citizenship in relation to voting. It also gave to the *Storthing* the power to pass naturalization laws. The law of April 21, 1888 [3] provided that the right of a Norwegian citizen belongs to a person if the father or mother is a Norwegian citizen. This right was acquired by an alien woman who married a Norwegian citizen, and by a naturalized person. By a decree of June 11, 1888 [4] authority for naturalization was delegated by the King to the Department of Justice. This decree was amended as to naturalization by Law No. 4 of July 27, 1896,[5] and further amended by the laws of March 29, 1900 [6] and June 11, 1906,[7] which modified the provisions concerning the status of Swedish subjects in Norway. Part III of the last law, together with the Acts of April 21, 1888, July 27, 1896, March 29, 1900, and Section 8, second subsection of the law of July 1, 1922, respecting the foreign service, were repealed by the law of August 8, 1924.

BIBLIOGRAPHY: Cit. Bd. Report (1906) 470; Folleville, 584; C. Kruse-Jensen, "La loi norvégienne sur l'acquisition et la perte de la nationalité," *Rev. de dr. int. pr.* (1926) 440; Lehr, 146; Zeballos, 304.

For the text of the law of April 21, 1888, in English, see 79 *Br. and For. St. Papers*, 655; in French, see Cogordan, 509. For comment and text, see *Ann. de lég. étr.* (1889), 756. For the text of the decree of November 9, 1889, in English, see 81 *Br. and For. St. Papers*, 598. For comment on the law of July 27, 1896, see *Ann. de lég. étr.* (1897) 610. For the text of the law of March 29, 1900, in Norwegian, see *Norsk Lovtidende* (1900) 203. For the text of the law of June 11, 1906, in Norwegian, see id. (1906) 418. For text of the law of August 8, 1924, in Norwegian, see id. (1924) I, 474; in English, see *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, 52; in French, see *Ann. de lég. étr.* (1924) 86; Clunet (1927) 1276; *Rev. de dr. int. pr.* (1926) 443; in German, see, Bergmann, II, 370. For comment, see Forssius, *Rev. de dr. int. pr.* (1924) 443; Magnus, 23; Staël-Holstein, *Rev. de dr. int. pr.* (1925) 676.

LAW OF AUGUST 8, 1924 [8]

RELATING TO NORWEGIAN NATIONALITY

[TRANSLATION]

ACQUISITION OF NATIONALITY

Section 1. Any person born in wedlock shall be deemed to be a natural-born Norwegian subject, if the father is a Norwegian subject, and, in the case of illegitimate children, if the mother is a Norwegian subject.

[1] *Ann. de lég. étr.* (1879) 616. [2] Zeballos, I, 305.
[3] Cit. Bd. Report (1906) 473. [4] Ibid. [5] *Ann. de lég. étr.* (1897) 610.
[6] See also letter of March 19, 1900, from the Office of Justice to the Home Office concerning the citizenship of Norwegians domiciled abroad, Cit. Bd. Report (1906) 478.
[7] Clunet (1917) 835.
[8] Text from Despatch No. 580, April 14, 1925, from the American Minister to Norway to the Secretary of State.

Foundlings of unknown parentage found in Norway shall be deemed to be Norwegian subjects until information to the contrary is forthcoming.

Section 2. A foreign man or a foreign unmarried woman, born in Norway, and having resided there uninterruptedly until becoming twenty-two years of age, shall then be deemed to be a Norwegian subject.

This does not apply in respect of any person who in the course of the last year has made a declaration in writing to the Lieutenant Governor to the effect that he does not desire to be a Norwegian subject, and who has established by satisfactory proofs that he is the subject or citizen of another state. Such a declaration cannot be made by a person whose father, or, as regards children born out of wedlock, whose mother has established his (her) foreign nationality in this manner.

Section 3. A foreign woman who marries a Norwegian subject, acquires Norwegian nationality on her marriage.

If the couple have had children together before the marriage, such children will also acquire Norwegian nationality, provided they are unmarried and have not become eighteen years of age.

Section 4. Any person who is a natural-born Norwegian subject, and who has ceased to be a Norwegian subject, will again become a Norwegian subject by taking up his regular domicile in Norway. If, however, he ceased to be a Norwegian subject through acquiring a foreign nationality, or if he later acquired foreign nationality, he will not again be deemed to be a Norwegian subject until he has ceased to be of foreign nationality.

Section 5. The King, or the person authorized thereto by the King, may grant a certificate of naturalization to any alien who

(1) Has become twenty-one years of age,
(2) Is permanently domiciled in Norway, and has resided there during the last five years,
(3) Has shown good conduct, and
(4) Is able to support himself and his family.

An alien who does not fulfil the requirements hereinbefore referred to, may be granted Norwegian nationality, if he previously has been a Norwegian subject, or if other special reasons are present.

If the application is granted, the applicant shall provisionally receive an attestation to the effect that he will be granted Norwegian nationality, through the issue of a certificate of naturalization, provided he, within one year, before a Low Court Judge, sitting in Court, declares allegiance to the Constitution.

If according to the legislation of the home country of the applicant he is required to be formally released in order to divest himself of his previous nationality, it shall, moreover, be made a condition that he within the aforesaid period establishes that such release has been obtained. This condition may, however, for special reasons be waived.

No declaration of allegiance shall be required of persons under the age of eighteen years.

Section 6. When a person becomes a Norwegian subject in pursuance of Section 2 or Section 4, his wife, and unmarried children under eighteen years of age, born in wedlock, shall also be deemed to be Norwegian subjects, provided they reside in Norway. If they do not reside there, and the wife subsequently, the marriage being in force, or the children, being unmarried and under eighteen years of age, take up her (their) residence in Norway, she (they) shall then be deemed to be Norwegian subjects provided the husband still is a Norwegian subject.

The acquisition of Norwegian nationality under this section shall not apply in respect of children who have remained under the care of the mother following the setting aside or the dissolution of the marriage. The same applies in respect of a wife when the relation between her and her husband has been nullified by judicial decree or grant, and to children being under her care, so long as the marital relations have not been resumed.

When a person is naturalized as a Norwegian subject in conformity with Section 5, the naturalization ought to include also his wife and unmarried children under the age of eighteen years, born in wedlock, provided it is not deemed necessary to make an exception. Previous to deciding the application, the wife ought to be given an opportunity of stating her opinion relative to the matter. A declaration of allegiance must, in such a case, be made also by the wife.

Section 7. The provisions contained in Section 6, as to children born in wedlock acquiring Norwegian nationality together with their father, shall apply in like manner:

(1) In relation to a woman and her illegitimate child, unless the child is under the care of the father, and the latter is not a Norwegian subject;
(2) In relation to a widow and her children born in wedlock;
(3) In relation to a wife, whose marriage has been set aside or dissolved, or whose relation with the husband has been nullified through a judicial decree or grant, and such children born in wedlock as remain under her care.

Loss of Nationality

Section 8. A person who becomes the subject or citizen of any foreign state shall be deemed to have ceased to be a Norwegian subject. If he resides in Norway, he shall be deemed to have ceased to be a Norwegian subject only when he leaves the kingdom.

Section 9. A Norwegian man or Norwegian unmarried woman who was born abroad and who has never resided in Norway, shall be deemed to have ceased to be a Norwegian subject when becoming twenty-two years of age.

The King, or the person authorized thereto by the King, may, however, grant a certificate for the retention of the nationality.

In the operation of this rule, any person who has performed Norwegian compulsory military service, or stayed in Norway on account of his education, or otherwise in circumstances indicating maintenance of substantial connection with Norway, shall be deemed to have resided in Norway.

When, by virtue of this section, a person is deemed to have ceased to be a Norwegian subject, his wife and children born in wedlock shall also be deemed to have ceased to be Norwegian subjects. The same rule applies in relation to a woman and her illegitimate child.

Section 10. A person who has become or who wishes to become the subject or citizen of any foreign state, may by the King, or the person authorized thereto by the King, be released from Norwegian nationality. If the applicant has not acquired foreign nationality, it shall be laid down as a condition that he, within the expiration of a certain period, becomes the subject or citizen of a foreign state.

Transitional Rules

Section 11. The stipulations of Section 2 shall apply also in respect of persons who were born before this law came into operation, if they then had not become twenty-one years of age.

Section 12. Any person who has become twenty-two years of age before the law came into operation, or who becomes twenty-two years of age during the first three years after the law came into operation, shall not be deemed to have ceased to be a subject under Section 9, first and second subsection, until the expiration of the said period.

Section 13. Any person who, by virtue of the law of April 21, 1888, Section 6, b, has ceased to be a Norwegian subject by having left the country for good, but who would not have lost the Norwegian nationality in pursuance of Section 9 of the present law, and who has not been naturalized in a foreign state, shall again become a Norwegian subject, by notifying in writing the Norwegian Minister or the Norwegian Consul at his place of residence abroad of his wish to become a Norwegian subject.

The resumption applies also in respect of wife and unmarried children born in wedlock, under the age of eighteen years, with such exceptions as are made in Section 6, second subsection. The same rule is applicable in respect of the relations referred to in Section 7, numbers 1–3.

Section 14. Any provisions laid down, previous to April 21, 1888, in any law except the Constitution of Norway, with regard to Norwegian nationals, natives, Norwegians, inhabitants of the kingdom, or Norwegian subjects, shall still be applicable in respect of such inhabitants of the country as are not deemed to be Norwegian subjects.

Supplemental Regulations

Section 15. The King may make regulations generally for carrying into effect the objects of this law.

The King may also fix fees to be paid for the grant of a certificate of naturalization, or retention of nationality, and for a certificate of release.

Commencement of the Law

Section 16. This law shall come into operation on January 1, 1925. It is not applicable in cases where the provisions of the law would be at variance with treaties.

Section 17. From the time when this law comes into operation, the following enactments shall be repealed, provided they are still in force, namely: Law relating to Norwegian Nationality, etc., of April 21, 1888, with amendments of July 27, 1896, and March 29, 1900; Law amending the Provisions respecting the Legal Status of Swedish Subjects in Norway, etc., of June 11, 1906, Part III, and Law respecting the Foreign Service, of July 7, 1922, Section 8, second subsection.

Section 18. The law concerning the Registration of Travellers and Aliens, of May 4, 1901 (see Amendment of June 24, 1915) shall be amended to the effect that Section 6, second paragraph, shall read as follows:

An order of expulsion, in conformity with item b or c, cannot be enforced against persons born in this kingdom, who during the last three years have had their domicile or regular abode here.

PANAMA

EDITORS' NOTE. The provisions of the Constitution of Panama, adopted on February 13, 1904, regarding nationality are embodied in Panama's Administrative Code, and Civil Code of July 1, 1917.[1] Article 167 of the Administrative Code is amended by Law No. 24, of November 9, 1926.[1]

BIBLIOGRAPHY: For the text of the Constitution of February 13, 1904, in Spanish, see *Constitución de la República de Panamá* (1913); in English, see Cit. Bd. Report (1906) 479; in German and Spanish, see Keller-Trautmann, 748. For comment, see Lehr, 150; Zeballos, I, 669.

CONSTITUTION OF FEBRUARY 13, 1904[2]

[TRANSLATION]

TITLE II.—NATIONALITY AND CITIZENSHIP

Article 6.[3] The following are Panamans:

(1) All those born or who may be born in the territory of Panama, whatever the nationality of their fathers may be.

(2) Children of Panaman father or mother, born in another territory, if they take up their domicile in the republic and express their intention to become Panamans.

(3) Foreigners, who have resided for over ten years in the republic, professing some science, art or industry or owning some real estate, or capital in circulation, if they declare, before the Panaman municipal authority of the territory in which they reside, their intention of being naturalized in Panama. Six years residence will suffice if they are married and have a family in Panama, and three years if they are married to a Panaman woman.

(4) Colombians who, having taken part in the movement for the independence of the Republic of Panama, declare or have declared, before the Municipal Council of the district in which they reside, their intention to become Panamans.

Article 7. Panaman nationality is lost:

(1) By taking out naturalization papers in a foreign country and acquiring a domicile therein.
(2) By accepting employment or honors from another government without the permission of the President of the republic.
(3) By refusing to indorse the movement for the independence of the nation, if the one who does so was born in Panama.
(4) By engaging in the service of a hostile nation.

Nationality can only be recovered through rehabilitation by the National Assembly.

[1] Post.
[2] Text from Wright, 457.
[3] See amendment of Article 6 in Act of October 19, 1928, post, p. 468.

Article 8. It is the duty of all Panamans to serve the nation as may be provided by law, and they as well as all foreigners residing within the territory of the republic must submit to the Constitution and the laws, and respect and obey the authorities.

Article 9. Foreigners shall enjoy in Panama the same rights as are granted to Panamans by the laws of the nation to which the foreigners belong, unless something to the contrary has been stipulated in public treaties, or, in the absence thereof, by the provisions of the law.

Article 10. Naturalized or domiciled foreigners shall not be bound to take up arms against the land of their birth.

Article 11. All Panamans over twenty-one years of age are citizens of the republic.

Article 12. Citizenship consists in the right of voting in the elections of public officers and in the capacity to hold public offices with authority and jurisdiction.

Article 13. Citizenship, once acquired, is only lost:

(1) As a penalty in accordance with the law, but rehabilitation may be obtained through the National Assembly.
(2) By loss of the Panaman nationality, according to the national Constitution.

Article 14. Citizenship is suspended:

(1) By criminal prosecution, as soon as the arrest of a citizen is ordered by the court.
(2) By legal inability to freely administer property.
(3) By habitual drunkenness.

LAW OF AUGUST 22, 1916, EFFECTIVE JULY 1, 1917[1]

[TRANSLATION]

TITLE III, ADMINISTRATIVE CODE.—NATIONALITY, CITIZENSHIP, STATUS OF FOREIGNERS AND NATURALIZATION

CHAPTER 1.—*Preliminary measures*

Article 122. In accord with Article 6 of the Constitution the following are Panamans:

(1) All those who were or may be born in the territory of Panama, regardless of the nationality of their parents.
(2) Children of Panaman parents born in foreign territory, if they should establish residence in Panama and express their will to be Panamans.
(3) Foreigners who have resided in Panaman territory for over ten years and who following a profession or engaging in the pursuit of art,

[1] Text from enclosure with Report No. 3, November 10, 1924, from the American Chargé d'Affaires at Panama City to the Secretary of State.

or industry, or possessing real estate or financial interests, should declare before the authorities of a Panaman municipality their desire to naturalize themselves in Panama. A six years residence will suffice if the interested party is married and has a family, but three years shall be sufficient if he should marry a Panaman woman.

(4) Whatever Colombians, who participated in the war for the independence of the Republic of Panama, should have expressed their desire to become Panamans, or should make this declaration before the Municipal Council in the municipality in which they maintain residence.

Article 123. Panamans of twenty-one years or over are Panaman citizens.

Article 124. Foreigners are those persons not included in section 1 [Article 122].

Chapter 2.—*Concerning Panamans by origin*

Article 125. The son of a Panaman father or mother who has been or may be born in foreign territory and who should come to Panama to establish residence, and who may wish to become a Panaman citizen, should address himself in writing to the President of the republic, through the Secretary for Foreign Affairs, stating his desire to become a Panaman and attaching to the document proofs that he is the son of a Panaman father or mother and that his legal residence is in the Republic.

Article 126. If the proofs presented should be satisfactory, the President will issue a certificate, signed by the Secretary for Foreign Affairs in which it will be stated that the interested party has acquired national citizenship.

Article 127. A copy of this certificate will be inscribed in the book which will be kept for that purpose in the office of the Minister for Foreign Affairs and will be marked and numbered in accordance with the keeping of said book.

Article 128. There will also be kept in the Ministry of Foreign Affairs a register of names in which all certificates relating to the above-mentioned matters will be registered.

Each register shall contain:

(1) Register number.
(2) Name of petitioner.
(3) Place of his birth.
(4) Name and nationality of his parents.
(5) Place of residence of petitioner.
(6) Number and date of certificate and
(7) Date of registration.

Every entry will bear the signature of the Minister for Foreign Affairs.

Article 129. At the foot of each certificate it will be stated that it has been registered and the date and number of registry will be given. This note will be signed by the Secretary for Foreign Affairs.

The certificate with its note of registry is the documentary evidence which the individual will maintain as proof of his Panaman citizenship.

CHAPTER 3.—*Concerning Colombians who participated in the struggle for independence and who before the promulgation of the Constitution manifested their desire to become Panaman citizens*

Article 130. Colombians who took part in the war for the independence of Panama and who before the promulgation of the Constitution should have in any form manifested a desire to become Panamans, should address themselves to the President of the republic, through the Minister for Foreign Affairs, and request the issuance of a certificate of Panaman nationality. The interested party shall attach sufficient evidence to prove the above-mentioned status.

If these proofs are satisfactory the certificate of citizenship will be issued.

Article 131. The procedure as mentioned in Articles 127, 128 and 129 will be followed for individuals of this status.

CHAPTER 4.—*Concerning Colombians who participated in the struggle for independence and who before the promulgation of the Constitution did not state their desire to become Panamans*

Article 132. Colombians who participated in the struggle for the independence of the Republic of Panama, and who up to the date of the promulgation of the Constitution did not declare their desire to become Panamans and who desire to become citizens, should address themselves to the President of the republic through the Secretary for Foreign Affairs, requesting him to inform the President of the Municipal Council of the district in which they respectively reside that they have the right to make the declaration referred to in the last part of subhead 4, Article 6 of the Constitution.

To this document will be attached proof that the interested person is a Colombian and that in reality he took part in the war for the independence of the republic.

Article 133. If the proofs presented should be satisfactory, the President will decide favorably and the interested party shall then address himself to his respective Municipal Council and shall make the necessary declaration. To this effect, a certificate signed by the President of the Council will be issued and also signed by the interested party and the Secretary of the Municipal Corporations in which the declaration will be made.

Article 134. The interested party will address himself to the President of the republic, through the Secretary for Foreign Affairs, and attach a copy of the certificate referred to in the above article and requesting that he be given a certificate of Panaman citizenship. This certificate will be issued.

Article 135. There may also be applied in these cases, the provisions of Articles 127 to 129, but in the registry referred to in Article 128, there will be

stated the municipality before whose officers the corresponding declaration mentioned in Article 133 was made and also the date of this declaration.

CHAPTER 5.—*Concerning the loss and reacquisition of nationality*

Article 136. According to the Constitution Panaman nationality is lost in the following cases:

(1) By acquiring naturalization papers and establishing residence in a foreign country.
(2) By accepting employment or honors from another nation, without the consent of the President of the republic.
(3) Although being a Panaman by birth, yet not accepting Panaman independence.
(4) By entering the service of a nation that is an enemy of Panama.

Article 137. It is the attribute of the office or municipal corporation to whom this power is granted by the Judicial Code to declare that an individual has lost his Panaman nationality, and this declaration will be made after the carrying out of the formalities prescribed by law.

Article 138. All acts declaring that an individual has lost his Panaman nationality will be published in the *Gaceta oficial*, but from the date when said act enters into force he will cease to fulfill any public duties or position, whether or not it is one of public election which requires the individual office holder to be a Panaman citizen.

Article 139. In accordance with the Constitution the National Assembly has the power to regrant nationality to those who may have lost same.

Article 140. A declaration to this effect made by the Assembly in favor of any individual will also be published in the *Gaceta oficial.*

Article 141. No person whose nationality has been reestablished by the Assembly can again fulfill his official duties or public position which he abandoned by loss of nationality, without a new appointment or election.

CHAPTER 6.—*Concerning citizenship, the loss thereof, suspension of citizenship, and renewal of same*

Article 142. Panaman citizenship in accordance with Article 12 of the Constitution, endows one with the right to vote in public elections and to be appointed to positions of an executive or judicial nature.

Article 143. For the better understanding of Article 12 of the Constitution, the word jurisdiction means the territory in which authority is exercised.

Article 144. In accordance with Article 12 of the Constitution, citizenship is only lost by:

(1) Such penalty imposed by law; and
(2) By the loss of the status (*calidad*) of a Panaman in conformity with the Constitution.

Article 145. This also refers to those individuals who by sentence have lost the right of a citizen in accordance with Articles 138 to 141 inclusive.

Article 146. Citizenship, in accordance with Article 14 of the Constitution is suspended:

(1) By the existence of pending criminal sentence, from the date the Judge ordered imprisonment.
(2) By an individual not having a legal and free administration of his property, and
(3) By habitual drunkenness.

Article 147. Suspension of citizenship due to habitual drunkenness will be declared by the appropriate officials in accordance with the Judicial Code and after fulfilment of the conditions prescribed in this code.

Article 148. The suspension of citizenship in the cases mentioned in subheads 1 and 2 of Article 146 will bring about temporary vacancy in public office or employment, whether such office is or is not of public election, which the individual suspended may have been occupying and to which this suspension refers; however, in the case mentioned in subhead 3 such action will be taken as is indicated in Article 138.

Article 149. Always, when there is given out an absolving judgment, writ, or opinion in which the right of free administration of property is reestablished, the rights of citizenship, in case they have been suspended, are reattained, but the public duties or office which the incumbent so suspended held can only be reassumed for the remainder of the original term.

Article 150. If an individual should suffer suspension of the rights of citizenship by the third clause of said Article 146 the same official or corporation as mentioned in the Judicial Code should, after the necessary formalities, state that the cause for suspension is terminated, and that the individual in question has recovered his citizenship.

Article 151. Such cases as are mentioned in the above article, apply also to Article 141.

CHAPTER 7.—*Status of foreigners*

Article 152. For legal reasons, foreigners are divided into two classes: those in transit and those residing in Panama.

Article 153. Foreigners in transit are those individuals actually within the limits of the republic but maintaining no residence therein.

Article 154. Resident foreigners are those living here with the express or presumed intention of permanent residence.

Article 155. A formal expression of intention to establish a permanent residence can be made by a foreigner declaring before the appropriate authority in the presence of two witnesses that he intends to maintain legal residence in Panama.

Article 156. Presumed intention of remaining and therefore evidence of domicile is established if a person has:

(a) Resided voluntarily and continuously in Panaman territory for more than four years.
(b) Residence and possession of real estate.
(c) Residence and engagement in commercial activity or any other industrial activity which cannot be called transitory.
(d) Has married a Panaman and has lived more than two years in Panama.
(e) Held a public position, office or assignment under the government.

Article 157. Resident foreigners are obliged to pay public taxes of a general character whether of the ordinary type or of special type.

Article 158. Foreigners in transit are subject to payment of indirect taxes.

Article 159. Foreigners are subject to the regulations imposed by the Constitution, the laws, the courts and the police of the republic.

Article 160. Foreigners are not obliged to render service in time of war, except in special cases recognized by international law.

Article 161. The nation is not responsible to foreigners except in cases of dispossession for public use in times of emergency and for other actions of the government or its agents. In no case will the government grant indemnity for damages caused by such acts.

Article 162. The foreigner who votes or who is employed by the government in a political or judicial capacity, who should participate in acts of sedition, rebellion or civil warfare, forfeits his rights to the exemptions recognized by law, and in cases where his actions should violate his incumbent responsibilities, he will be held responsible in the same way as if he were a Panaman.

Article 163. As the authorities of the republic exist for the protection and defense of all persons residing in Panama, the property, rights and actions of foreigners will be upheld by the same judges, courts or administrative authorities which protect Panamans. Exceptions to the above will be made in cases where, due to public treaties or recognized principles, foreigners are entitled to special privileges.

Article 164. Contracts celebrated in Panama, between the government and foreigners, whether they be private individuals or corporations will be subject to Panaman laws and the duties and rights arising from these contracts will be defined exclusively by Panaman judges and local tribunals.

An express stipulation of all contracts of this sort, will be that the foreigner in question shall renounce any intention of diplomatic claims in reference to the duties and rights arising from the contract, except in cases where justice has been denied.

Article 165. In conformity with Article 9 of the Constitution, foreigners

in Panama will enjoy the same rights granted Panamans by the laws of the nation of which they are citizens or nationals unless the stipulations of public treaties state the contrary.

Should such treaties not exist the foreigner's rights shall be determined by Panaman law.

Article 166. Foreigners, naturalized or resident, will not be obliged to take arms against the nation of their birth.

Chapter 8.—*On naturalization*

Article 167.[1] In accordance with subhead 3 of Article 6 of the Constitution and in conformity with subhead 12 of Article 73 of the same, the President of the republic can grant citizenship papers to foreigners who request same and who fulfill the conditions required by subhead 3 of Article 6 above mentioned. Chinese, Turks, Syrians and North-Africans of Turkish nationality are excluded.

Article 168. When a married man becomes naturalized his wife and children under twenty-one years become naturalized jointly with the husband.

Article 169. The foreigner who may desire to obtain naturalization papers, will appear before the Municipal Council of the district in which he resides and before the President and Secretary of the Municipal Corporation will manifest his desire to become a Panaman. A certificate thus certifying his petition will be written and signed by the interested party as well as the above-mentioned authorities. In the certificate his declaration will be set forth.

Article 170. With a copy of the above certificate the interested party will direct himself to the President of the republic, through the Secretary of Foreign Affairs, by means of a document which will contain his declaration of:

(1) His free and voluntary desire to become a naturalized citizen of the Republic of Panama.
(2) His original nationality and the state of which he is a citizen.
(3) His age, profession, art engaged in, or industry he professes or the real estate he may own, or the total sum of his capital in the republic and how long he has resided in the republic.
(4) Whether he is married or single and, in the first case, the nationality of his wife; the name of the place where his family resides, and the number, age, and sex of his minor children if he should have any.

Article 171. In view of the memorial referred to in the above-mentioned article, the President will order that an investigation be carried out to establish the truth of the individual's statements or of any documents presented that may be considered necessary for this end.

Article 172. If in view of the investigations carried out, results should

[1] Amended by Law No. 24 of 1926, post, p. 468.

indicate that the petitioner has the qualifications for receiving a certificate of naturalization, the President of the republic will issue naturalization papers and send same to the Governor of the province in which the petitioner resides, ordering him to take the oath mentioned in the following article, but before granting the certificate he will register the action taken in a book that will be kept for this purpose in the office of the Secretary for Foreign Affairs, and each of these naturalization documents will be marked and numbered chronologically as they are issued.

Article 173. When the Governor of the province receives the naturalization papers issued by the government, he will summon the foreigner who requested same to take oath, or solemn affirmation if his religion does not permit him to take oath, as follows:

(1) That as a Panaman by adoption (*adopción*) he will uphold, obey and protect the Constitution, and comply with the laws of Panama.
(2) That he renounces positively and perpetually all ties binding him to the government of the country in which he was born or any other government to which up to that date he was or may be considered to have owed allegiance.
(3) That he also renounces all rights and privileges which might be derived from such ties and allegiance.

Article 174. On the back of each naturalization certificate a declaration will be written that oath or affirmation has been taken, signed by the interested party and the Secretary of the Governor. Another copy of this will be written in the registry which is kept for this purpose in the Governor's office.

Article 175. When the above regulations have been complied with the naturalization papers will be forwarded to the Secretary for Foreign Affairs and he will order their registration and attach the note referred to in the following article. Once these further regulations are complied with he will be given the naturalization document by the appropriate Governor.

Article 176. In the Ministry for Foreign Affairs will be kept a name registry of those naturalized and each entry will state:

(1) Number of registry.
(2) The number corresponding to the naturalization document and the date it was issued.
(3) Name and age of the naturalized individual, the nation of his origin, the name of the government of which he was, or considered himself, a subject and the length of time he has resided in Panama.
(4) Whether married or single, the name of his wife, and the names, age and sex of his minor children who in accordance with Article 168 became naturalized jointly with the head of the family.
(5) Before what Governor he gave oath or affirmation and the date of this act.
(6) Date of registry; and
(7) Signature of the Secretary for Foreign Affairs.

CIVIL CODE OF JULY 1, 1917[1]

[TRANSLATION]

BOOK ONE. CONCERNING PERSONS

TITLE I.—CONCERNING PERSONS AS TO THEIR CHARACTER, NATIONALITY, AND DOMICILE

CHAPTER I.—*Division of persons*

Article 38. Persons are natural or juridical.

All individuals of the human species, whatever their age, sex, race, or condition, are natural persons.

A juridical person is a moral being or fictitious person, of political, public, religious, industrial, or commercial character, represented by a natural person or persons, capable of exercising rights and of contracting obligations.

(Articles 41, 42, 45, 64, 636, and 18 of the Constitution contain further provisions respecting natural and juridical persons but not nationality.)

Article 39. Natural persons are divided into nationals and aliens, residents and transients.

Nationals are those whom the Constitution of the republic declares to be such, to wit:

(1) All those who were born or who may be born in the territory of Panama, regardless of the nationality of their parents.

(2) Children of a Panaman father or mother who were born in other territory, if they come to the republic to take up residence and express the intention of becoming Panamans.

(3) Aliens with more than ten years of residence in the territory of the republic who, professing some science, art or industry, or possessing some real property or capital in circulation, declare their intention of becoming naturalized in Panama before the Panaman municipality in which they reside. Six years of residence shall be sufficient if one is married and has a family in Panama, and three years if one is married to a Panaman.

(4) Colombians who, having taken part in the movement for independence of the Republic of Panama, have declared their intention of becoming Panamans, or who shall so declare before the Municipal Council of the district in which they reside.

Article 40. Persons not included in the previous article are aliens; but the law does not recognize any difference between them, so far as acquisition or enjoyment of civil rights which this Code regulates is concerned. Residents and transients are discussed in another division of this Book.

. . . . .

[1] Text from enclosure with Despatch No. 3050, September 12, 1929, from the American Minister to Panama to the Secretary of State.

Article 321. The naturalization of aliens and declarations of option for Panaman nationality, or the recognition of the same, in cases anticipated in Article 6 of the Constitution, shall have no legal effect until they are inscribed in the Register of Civil Status, regardless of the proof presented and the date on which they were granted.

Article 322. Notwithstanding the dates of declarations made by aliens to acquire residence or citizenship in any part of the republic, there shall appear in the register only the date of their inscription, even though their residence may have begun previously.

LAW NO. 24, OF NOVEMBER 9, 1926[1]

AMENDING ARTICLE 167 OF THE ADMINISTRATIVE CODE

[TRANSLATION]

Article 1. Article 167 of the Administrative Code shall read as follows:

"In accordance with clause 3 of Article 6 of the Constitution, and clause 12 of Article 73 of the same, the President of the republic may issue a Certificate of Naturalization to aliens who request it and who fulfil the conditions stipulated in clause 3 of Article 6 above mentioned. Chinese, Turks, Syrians, Japanese, Indo-Orientals, Indo-Aryans, Dravidians, and any other aliens whose immigration is prohibited are not included."

ACT OF OCTOBER 19, 1928[1]

REPLACING ARTICLE 6 OF THE NATIONAL CONSTITUTION

Article 6 of the National Constitution shall read as follows:

The title Panaman may be acquired by birth or by naturalization. The children of Panaman parents born in the republic or outside of it, provided in the latter case the parents are Panamans by birth, are Panamans by birth. Those who are born in the republic of foreign parents shall be called Panamans if within the year following their majority they declare to the Executive Power that they choose Panaman nationality and prove that they have resided in the republic during the six years previous to said declaration.

The status of Panaman by naturalization may be granted to: (a) Children born of alien parents in the republic who opt for Panaman nationality in the manner indicated in the previous paragraph, without having had the residence explained in the same, and provided they obtain a letter of naturalization. (b) An alien with more than ten years of residence in the republic if he is a bachelor, or with more than three years of residence in the republic

[1] Text from enclosure with Despatch No. 3050, September 12, 1929, from the American Minister to Panama to the Secretary of State.

if he is married to a Panaman, who, professing some science, art, or industry, or possessing some real property or capital in circulation, obtains a certificate of naturalization.

The law shall determine the manner of proving the requirements called for in this article.

PARAGUAY

EDITORS' NOTE. There were no provisions as to nationality in the first Constitution of March 16, 1844. According to the customary law, *jus soli* was the basis of nationality.[1] This continued to be the law until the Constitution of 1870, which was the first enactment on the subject and is now in force.

BIBLIOGRAPHY: H. Arbo, *Ciudadanía y naturalización* (Buenos Aires, 1926), reviewed in *Rev. de dr. int. pr.* (1927) 166.

For the text of the decree of July 10, 1856, in English, see 51 *Br. and For. St. Papers*, 1110. For the text of the Constitution of 1870, in Spanish, see Carranza, *Digesto constitucional americano* (1910) II, 230; in English, see Cit. Bd. Report (1906) 480; in German and Spanish, see Keller-Trautmann, 749. For comment, see Arbo, *Ciudadanía y naturalización* (1926), *passim;* Lehr, 152; Folleville, 654.

CONSTITUTION OF NOVEMBER 25, 1870[2]

[TRANSLATION]

Article 29. All laws and decrees at variance with the provisions of the present Constitution shall be inoperative and void.

Article 30. All Paraguayan citizens are bound to take up arms in defense of the country and of the present Constitution, and to do military service according to the laws enacted by Congress, or the decrees of the Executive. Naturalized citizens are bound to render this service after the third year of the naturalization.

Article 31. The people neither deliberate nor govern except through their representatives and the authorities created by the present Constitution. All armed forces or reunions of persons assuming to represent the rights of the people and petitioning in their name shall be guilty of sedition.

Article 32. No law shall have retroactive effect.

Article 33. Aliens shall have in the territory of the nation the same civil rights as the citizens. They can engage in industrial, commercial, or professional business, hold, purchase, and sell real estate, navigate the rivers, freely profess their religion, dispose of their property by last will and testament, and contract marriage according to law. They shall not be compelled to become citizens or pay extraordinary forced taxes.

Article 34. The enumeration of rights and guaranties made in the present Constitution and the declarations contained in the same shall not be construed so as to imply a denial of any other rights or guaranties not enumerated, but which naturally are derived from the principle of the sovereignty of the people and from the democratic representative form of government adopted by the republic.

[1] Zeballos, I, 661.

[2] Text from Rodriguez, 387.

Chapter III.—Citizenship

Article 35. Paraguayan citizens are:

(1) All persons born in Paraguayan territory.
(2) The children of Paraguayan fathers or mothers, by the mere fact of domiciliation in Paraguay.
(3) The children of Paraguayans born abroad, if their father was at the time in actual service of the republic. These are Paraguayan citizens even for the purposes which, under the Constitution and the laws, require nativity in Paraguayan territory.
(4) Naturalized citizens shall enjoy the same political and civil rights as the native ones, they being qualified to hold every position in the government, except the presidency or vice-presidency of the republic, or the positions of members of the cabinet, deputies, or senators.
(5) The aliens upon whom Congress by special favor may grant naturalization.

Article 36. To obtain naturalization in Paraguay it shall be sufficient for an alien to have resided two consecutive years in the country and have during this period either owned real estate, had some capital invested in business, practiced some profession, or been engaged in some industrial occupation, science, or art. This period of two years may be shortened if the alien is married to a Paraguayan wife, or proves to have rendered services to the republic.

Article 37. The power to declare whether or not persons not born in Paraguayan territory are in the process of obtaining naturalization under Article 35, belongs to Congress; and the President of the republic shall expedite in consequence the letter of naturalization.

Article 38. All Paraguayan citizens free from the disqualifications set forth in the next following article shall have the right to vote on and after their reaching the eighteenth year of their age.

Article 39. The right of suffrage is suspended:

(1) By physical or moral disability that impedes free and reflective action.
(2) By being a soldier, commander or sergeant of line troops, or national guard mobilized on sea and land under any rank in which they may serve.
(3) By having been convicted as a criminal who merits defaming punishment.

LAW NO. 559, OF NOVEMBER 14, 1923[1]

[TRANSLATION]

Article 1. Any Paraguayan citizen who may have been naturalized in another state, by the fact of taking up residence in the republic and entering his name in the Permanent Civic Register and the Military Register, will be held to have resumed his original citizenship.

Article 2. Let this be communicated to the Executive Power.

[1]Text from enclosure with Despatch No. 22, December 24, 1924, from the American Minister to Paraguay to the Secretary of State.

PERSIA

EDITORS' NOTE. The law of August 7, 1894 was in force for many years, but has recently been supplemented or superseded by the law of September 7, 1929.

BIBLIOGRAPHY: For the text of the law of August 7, 1894, in English, see 86 *Br. and For. St. Papers*, 180; Cit. Bd. Report (1906) 484; in French, see Clunet (1897) 1111; in German, see Keller-Trautmann, 750. For comment, see Lehr, 160; *Répertoire général alphabétique du droit* (1902) XXX, 633; Zeballos, I, 308.

LAW OF SEPTEMBER 7, 1929 [1]

[TRANSLATION]

Article I. The following are Persian subjects:

(1) All inhabitants of Persia, except persons whose foreign nationality is confirmed by documents of nationality uncontested by the Persian Government.
(2) Persons born of a Persian father, whether they were born in Persia or abroad.
(3) Persons born in Persia of unknown parents.
(4) Persons born in Persia of foreign parents one of whom was born in Persia.
(5) Persons born in Persia of a foreign father who are established in Persia on coming of age at eighteen years.
(6) All foreign women married to a Persian.
(7) All foreigners who have acquired Persian nationality.

NOTE: Children born of foreign diplomatic and consular representatives shall not be covered by paragraphs 4 and 5.

Article II. The persons above mentioned in paragraphs 4 and 5 have the right to acquire their father's nationality during the year following their attaining majority at eighteen years, on condition that during the aforementioned period they present a written declaration to the Foreign Office, with a certificate to be annexed thereto from their father's government to the effect that it will recognize them as its own nationals.

Article III. With regard to children born in Persia of foreign parents whose respective countries consider, in accordance with regulations, that children born of Persian parents in their territory are their own nationals and make their Persian nationality subject to an authorization, reciprocally they will be treated in the same manner.

Article IV. The following persons can acquire Persian nationality:

(1) Persons who have reached the age of eighteen years.
(2) Persons who have lived five years in Persia, whether alternately or consecutively.

[1] Text from enclosure with Despatch No. 952, October 14, 1929, from the American Chargé d'Affaires at Teheran to the Secretary of State.

(3) Persons who have not deserted from military service.
(4) Persons who have not been condemned in any country for grave misdemeanor and non-political crime.

With regard to paragraph 2 of this article, the time spent abroad in the Persian Government's service will be counted as residence in Persian territory.

Article V. Persons who have rendered a public service to Persia or who have given Persia considerable assistance may be admitted into Persian nationality without fulfilling the conditions of domicile.

Article VI. If within five years from the date when the act of naturalization is issued, it is established that a person admitted into Persian nationality has deserted from military service, or if, before the expiration of the period when prescription takes effect under Persian law, it is established that the person admitted into Persian nationality has been condemned for a grave misdemeanor or crime, the Council of Ministers shall give orders to exclude that person from Persian nationality.

Article VII. Persons who have acquired or shall acquire Persian nationality enjoy all the rights accorded to Persians except the right to become ministers and acting ministers or to obtain any diplomatic assignment abroad. Moreover, they may not for ten years from the date when the act of naturalization is issued fill the following positions:

(1) Member of the legislative body.
(2) Member of provincial or departmental councils.
(3) In general, any post in the Foreign Office.

Article VIII. The request for naturalization must be presented to the Foreign Office either directly or through the Governors or Governors General, and must be accompanied by the following documents:

(1) Authenticated copies of the identification certificate of the petitioner, his wife and children.
(2) Police certificate concerning the length of domicile in Persia of the petitioner, showing that he bears a good reputation and that he has a sufficient fortune or a definite occupation to insure his livelihood.

The Foreign Office will give a receipt for this, mentioning the date of receipt, and if necessary will complete the data of the petitioner; it will transmit the request to the Council of Ministers who will decide upon the acceptance or denial of the petition. In case the request is accepted the act of naturalization will be delivered to the petitioner.

Article IX. The wife and minor children of persons who by virtue of this law acquire Persian nationality shall be considered Persian subjects; but the wife within one year from the date when the act of naturalization of her husband was issued, and the minor children within one year after reaching the

age of eighteen years, may present a written statement to the Foreign Office and acquire the nationality of their husband's or father's former country. But the certificate mentioned in Article II should be annexed to the statement presented by male children.

Article X. The acquisition of Persian nationality by the father cannot affect the children who have reached the age of eighteen years at the time the request for naturalization is presented.

Article XI. Foreign women who become Persian by reason of their marriage may return to their former nationality after divorce or the Persian husband's death, on condition that they so inform the Foreign Office in writing. A widow having children by her dead husband, however, may not enjoy this right so long as the children have not reached the age of eighteen years. In any case, the woman who takes foreign nationality in accordance with this article will not have the right to own real estate, except in so far as this right has been granted to foreign nationals. And if she should own or inherit real estate in excess of what it is lawful for foreign nationals to own, she shall convey the surplus in one way or another to Persian nationals within one year after her renouncing Persian nationality or inheriting real estate; otherwise the real estate in question will be sold under the supervision of the Public Prosecutor of the locality and the money accruing from this sale will be delivered to her after deduction of costs.

Article XII. A Persian woman married to a foreigner does not thereby lose her Persian nationality, unless the wife is obliged by the law of her husband's country to take his nationality as a result of the marriage. But, in any case, after the death of the husband or after divorce, she may reacquire Persian nationality and enjoy all the rights and privileges pertaining thereto provided she presents to the Foreign Office a petition accompanied by the husband's death certificate or the document of separation.

Article XIII. Persian nationals may not abandon their nationality except under the following conditions:

(1) They must have reached the age of eighteen years.
(2) They must have the authorization of the Council of Ministers.
(3) They must agree beforehand to transfer to a Persian subject, in some manner and within one year after the repudiation of their Persian nationality, all their rights to the immovable property they may own in Persia or which they might acquire by inheritance, even if Persian law authorizes foreign nationals to possess immovable property.

The wife and major or minor children of a person, who in accordance with this law renounces his nationality, do not lose their Persian nationality unless the decision of the Council of Ministers includes them.

Article XIV. If any Persian subject in violation of the above-mentioned provisions should acquire foreign nationality, this nationality will be con-

sidered as null and void and the party concerned will be treated as a Persian national. Meanwhile, however, all his immovable property will be sold under the supervision of the local Public Prosecutor, and the proceeds of the sale after deduction of costs will be delivered to him. Moreover, he will be deprived of the right to fill the posts of a minister, under-secretary, member of the legislative body, and provincial, departmental or municipal councils as well as any other government position.

Article XV. All Persian nationals, who themselves or whose fathers have changed their nationality in accordance with the provisions (of this law) and who wish to return to their original nationality, will be reintegrated in their Persian nationality as soon as they present a request to this effect.

Article XVI. This law will be put into effect as of Shahrivar 20, 1308 (September 11, 1929).

PERU

EDITORS' NOTE. The Constitution of November 10, 1839 provided (Article 168) that foreigners who acquire real estate are *ipso facto* naturalized.[1] The Constitution of 1860[2] provided (Article 34) that all persons born in Peru acquired Peruvian nationality. Children born abroad of a Peruvian father or mother were Peruvian, provided that their names had been inscribed in the civil register. Naturalization was provided for by Article 35.

According to the practice of the Peruvian Government, children born to foreigners while in Peru could acquire nationality *jure sanguinis* provided their names had been registered at the consulate of the country of their parents. Article 19 of the law of March 24, 1861 contained the procedure to be followed in registering. According to Article 41 of the Civil Code of Peru,[3] the wife acquired the nationality of her husband. The constitutional provisions of 1870 regarding nationality have been superseded by the Constitution of December 27, 1919.

BIBLIOGRAPHY: Lehr, 157; Zeballos, I, 670.

For the text of the Constitution of 1860, in English, see Cit. Bd. Report (1906) 483. For comment, see Folleville, 656. For the text of the Constitution of 1919, in Spanish, see *Constitución para la República del Perú* (1920); in English, see Stuart, *The Governmental System of Peru* (1925) 142; *Br. Parl. Papers*, Misc. No. 7 (1922), Cmd. 1771, p. 27. For comment, see Arbo, *Ciudadanía y naturalización* (1926) 99.

CONSTITUTION OF DECEMBER 27, 1919[4]

[TRANSLATION]

TITLE V.—OF PERUVIANS

Article 59. Peruvians by birth are:

(1) Those born in the territory of the republic:

(2) The children of a Peruvian father or a Peruvian mother who are born abroad and whose names have been entered in the civil list by the wish of their parents, during their minority, or by their own wish after they have come of age or have been emancipated.

Article 60. Naturalized Peruvians are aliens over twenty-one years of age who have resided over two years in Peru and who register in the civil register in the manner provided by the law.

Article 61. All Peruvians are compelled to serve the republic with their persons and their property in the manner and proportion provided by the law. Military service is compulsory for all Peruvians. The law shall determine how such service shall be rendered and the cases for exemption.

TITLE VI.—CITIZENSHIP AND ELECTORAL RIGHTS AND LIBERTIES

Article 62. Citizens over twenty-one years of age, and those who are married even though under age, are enfranchised citizens.

[1] See 3 Moore, *Digest*, 302. [2] Cit. Bd. Report (1906) 483. [3] Id. 482.
[4] Text from *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852.

Article 63. The rights of citizenship are suspended—

By reason of legal disability;
In the case of any citizen who, being the defendant in a criminal suit, is sentenced to a term of imprisonment by a duly-executed commitment order;
By the sentence of a court of law imposing such term of imprisonment and during the term thereof.

Article 64. The right of citizenship is lost through naturalization in another country, but may be recovered by the applicant's name being once more entered in the civil register, provided he resides in the republic.

Article 65. A citizen may obtain any public appointment, provided he is qualified according to law.

Article 66. Those enfranchised citizens who can read and write are entitled to the suffrage.

A citizen who is not entered in the military register can neither vote nor be elected President of the republic, Senator or Deputy.

Article 67. Suffrage, at political elections, shall be exercised in accordance with the electoral law and on the following bases:

(1) A permanent electoral register.
(2) Direct popular vote.
(3) Jurisdiction of the judicial power, in the manner provided by law, to guarantee electoral procedure, the Supreme Court being required to judge any proceedings and to impose any fines incurred in the cases in regard to which provision is likewise made by the law.

CIVIL CODE OF 1852[1]

[TRANSLATION]

Article 41. A Peruvian woman married to a foreigner, or a foreign woman married to a Peruvian, acquires by her marriage the nationality of her husband. In case of widowhood, the former recovers and the latter preserves her Peruvian nationality, provided they reside in Peru.

[1] Text from Cit. Bd. Report (1906) 482.

POLAND

EDITORS' NOTE. The law of January 20, 1920, the enforcement of which is regulated by the order of June 7, 1920,[1] has been the law governing nationality in Poland. It is still in force. Part of the Polish law of nationality is contained in the Constitution of March 17, 1921.

BIBLIOGRAPHY: "Questions de nationalité allemande et polonaise," Clunet (1921) 142; Kollenscher, *Die polnische Staatsangehörigkeit* (1920); Kramer, 221; A. de Lapradelle, *La loi polonaise de 1920 sur la nationalité et les traités de Versailles* (Paris, 1924); Magnus, 90; Schwartz, 133.

For the text of the law of January 20, 1920, in Polish, see Journal of Laws, No. 7, 44; in English, see 114 *Br. and For. St. Papers*, 914; in French, see *Ann. de lég. étr.* (1920) 235; Clunet (1927) 1282; *Rev. de dr. int. pr.* (1920) 224; in German, see Bergmann, II, 438; Rukser, *Rechsstellung der Deutschen in Polen* (1921) 150; Schätzel, *Wecksel der Staatsangehörigkeit* (1921) 162; Schwartz, 274; For comment, see Rundstein, *La loi polonaise de 1920 sur la nationalité* (Pamphlet 1924). For the text of the ordinance of June 7, 1920, in Polish, see Jour. of Laws (1920), No. 52, 320; For comment, see *Ann. de lég. étr.* (1920) 237. For the text of the ordinance of July 13, 1920, in Polish, see Jour. of Laws, No. 57, 358. For comment, see *Ann. de lég. étr.* (1920) 237. For the text of the ordinance of September 16, 1920, in Polish, see Jour. of Laws, No. 92, 615.

CONSTITUTION OF MARCH 17, 1921[2]

[TRANSLATION]

Article 87. A Polish citizen may not be at the same time a citizen of another state.

Article 88. Polish citizenship is acquired:

(1) By birth if the parents are Polish citizens.

(2) By naturalization granted by the competent state authority.

Special statutes define other rules as to Polish citizenship, its acquisition and loss.

LAW OF JANUARY 20, 1920[3]

[TRANSLATION]

Article 1. A Polish citizen can not be at one and the same time a citizen of another country.

Article 2. As soon as this law is published, persons, without distinction as to sex, age, religion or race in the following categories, shall have the right to Polish citizenship:

[1] Post.

[2] Text from McBain and Rogers, 418.

[3] Text from enclosure with Despatch No. 9620, November 26, 1924, from the American Consulate General at Warsaw to the Secretary of State.

For provisions concerning Russians in Poland and Poles in Russia, see Article 6 of the Treaty of Riga of March 18, 1921, 114 *Br. and For. St. Papers*, 917.

(1) Those domiciled within the boundaries of the Polish State, provided they are not citizens of another state. The following shall be regarded as domiciled in the Polish State in the meaning of this law:

(a) Those who are registered or who have the right to be registered in the records of the permanent population of the former Kingdom of Poland.
(b) Those who have the right of permanent abode in one of the communities within the boundaries of the Polish State formerly forming part of the Austrian and Hungarian States.
(c) Those who possessed prior to January 1, 1908, as German citizens, a permanent place of abode within the boundaries of that part of the Polish State formerly comprised in the Prussian State.
(d) Those who were registered in a town or village community or caste or class organization in the territories of the former Russian Empire which now form part of the Polish State.

(2) Those who were born in the boundaries of the Polish State, provided they are not citizens of another state.

(3) Furthermore, those who are entitled to Polish citizenship by virtue of international treaties.

Article 3. Citizens of other states who are of Polish descent, as well as their descendants, shall be recognized as citizens of the Polish State, when, after return to the Polish State, they shall file in the administrative office of the place of their residence proofs of Polish descent, together with a declaration that they desire to be Polish citizens and that they renounce citizenship of the other state.

Article 4. Polish citizenship is acquired—

(1) By birth.
(2) By legitimation, recognition or adoption.
(3) By marriage.
(4) By grant.
(5) By taking a public office or by entrance into the military service in the Polish State, provided no stipulation to the contrary was made.

Article 5. By birth legitimate children acquire the citizenship of the father; illegitimate, the citizenship of the mother. Children of unknown parentage, born or found in the territory of the Polish State, shall be recognized as Polish citizens provided it is not shown that they possess other citizenship.

Article 6. By legitimation, recognition or adoption a child not over eighteen years of age shall acquire the citizenship of the father or mother or other person recognizing or adopting.

Article 7. By marriage a foreign woman who becomes the wife of a Polish citizen acquires Polish citizenship.

Article 8. A grant of Polish citizenship may take place upon the request of the person who desires to acquire it, if he (she) proves:

(1) That he (she) has led an unblemished life.
(2) That he (she) has resided permanently at least ten years within the boundaries of the Polish State.
(3) That he (she) possesses means of support or of making a living for himself (herself) and family.
(4) That he (she) has a knowledge of the Polish language.

In the case of minors and others of limited legal capacity the petition that they should be granted Polish citizenship shall be filed by their legal representatives.

Article 9. In exceptional cases which deserve especial consideration Polish citizenship may be granted to persons not fulfilling the various requirements mentioned in Article 8, particularly in the territory of the former Russian Empire which now forms part of the Polish State. However, in no instance may Polish citizenship be granted to persons sentenced by Polish courts for crimes which are punishable by a curtailment of rights as long as such restriction lasts. This also applies to persons in a state of bankruptcy.

Article 10. A Polish woman citizen who has lost her Polish citizenship through marrying a foreigner may regain it, if after termination of such marriage and upon settling in Poland, she shall file the proper declaration in the administrative office of the place of her residence.

Article 11. Polish citizenship shall be lost—

(1) By acquiring foreign citizenship.
(2) By accepting a public office or entry into the military service of a foreign state without the permission of the Polish Government.

Persons liable to military service may acquire foreign citizenship only by obtaining permission for that purpose from the Minister of War. Otherwise, as far as the Polish State is concerned, they shall not cease to be considered Polish citizens.

Article 12. The Minister of the Interior shall decide matters relating to grants and loss of Polish citizenship. In cases of grants of citizenship he shall consult the authorities of the local community in which the person resides and also the proper administrative office.

The Minister of the Interior shall have the power to delegate the rights given him by this article to the administrative authorities of the second instance.

Article 13. If the Minister of the Interior shall not otherwise decide, the grant and loss of Polish citizenship shall include the wife of the person acquiring or losing Polish citizenship and his children up to the age of eighteen years.

Article 14. This law shall go into effect on the day of its publication [January 31, 1920].

Article 15. The Minister of the Interior shall be intrusted with the execution of this law.

ORDER OF JUNE 7, 1920[1]

ISSUED BY THE MINISTER OF THE INTERIOR RELATIVE TO ENFORCEMENT OF LAW OF JANUARY 20, 1920

[TRANSLATION]

In accordance with Article 15 of the law of January 20, 1920 (Journal of Laws, Republic of Poland, No. 7, Position 44), I hereby issue the following order:

Article 1. Until the final settlement of the boundaries, the territory of the Polish State, as used in the law of January 20, 1920 (Journal of Laws, Republic of Poland, No. 7, Position 44), shall be considered to include the City of Warsaw, the provinces of Warsaw, Lodz, Kielce, Lublin, Bialostok, Poznań (Posen), and Pomerania, and also the former Kingdom of Galicia and Lodomeria with the Grand Duchy of Cracow.

Article 2. Persons residing within the territory of the Polish State shall be classified as citizens of the Polish State and foreigners.

Everyone who does not enjoy the right of Polish citizenship shall be regarded as a foreigner.

Article 3. A Polish citizen cannot be treated by the Polish authorities at one and the same time as a citizen of another state.

Article 4. In accordance with Article 8 of the law of January 20, 1920 (Journal of Laws, Republic of Poland, No. 7, Position 44):

(1) The manner of living of a person shall be regarded as blemished if such person perpetrated an act for which a court's sentence had been decreed and which was followed by a curtailment of rights, at least as long as such restriction is in force, or if the person's behavior or the act perpetrated may be considered as a just cause for scandal or public offense.

(2) A voluntary and uninterrupted residence is regarded as a permanent residence. A temporary departure from within the boundaries of the state shall not be treated as an interruption if from the circumstances under which such departure took place it may be assumed that there was an intention to return to the state for continued and permanent residence.

(3) The means of support or of earning a living should be such, as far as can be foreseen, to suffice for fully covering the costs of subsistence both of the petitioner for citizenship and the members of his family, if he is legally bound to support them; or in any

[1] Text from enclosure with Despatch No. 9620, November 26, 1924, from the American Consulate General at Warsaw to the Secretary of State.

event there should be no grounds for supposing that such persons would be liable to become public charges.

(4) A sufficient speaking knowledge of the Polish language is required.

Article 5. A person becomes a Polish citizen if he took in the Polish civil service an office which was tendered to him permanently and in conformity with laws and regulations in force or if he entered the Polish military service in accordance with regulations, provided that the authority tendering the office or accepting into the military service made no reservation to the contrary. Such reservation to the contrary should be noted in the letter of appointment or in the first document issued to the person entering military service upon such entry. However, in the case of persons accepted into the military service or persons appointed to an office of the state in the civil service before this order shall have gone into effect or within three months thereafter, the authority may take advantage of the right of reservation if the person interested is notified at the latest not more than six months after this order shall have gone into force.

Persons received into the military service or appointed to a state office in the civil service shall not acquire Polish citizenship under this provision, if they were freed from military service or lost their office within three months after this order shall have gone into force.

Persons who are not included under the first part of this article and who hold any kind of office in the civil service may acquire Polish citizenship only when they are treated by a clear provision of the law because of their official character on the same basis as persons appointed to a government office.

The meaning of government office and military service shall be interpreted according to the regulations applying to such office and service.

Article 6. Polish citizenship may be lost under the following circumstances:

(1) When a person acquires citizenship of another state by his own volition; or

(2) When a person accepts a public office or enters the military service of a foreign state without the permission of the Council of Ministers of the Polish State.

These provisions apply, however, to persons subject to active military duty in the Polish State only in case they had obtained from the Minister of War a permit for the acquisition of foreign citizenship or for the acceptance of a public office or for entry into the military service of a foreign state.

Article 7. The following authorities are authorized to make decisions in matters of citizenship:

(a) County offices (*starostwa*), state commissariats (*komisarjaty Rzadu*) in Warsaw, Lodz, and Lublin, and the magistrates of the cities of Lwow (Lemberg) and Cracow.

(b) Provincial or voyevoda offices (*województwa*) and the Delegate General of the State of Galicia.
(c) The Minister of the Interior.

Any matters in the following articles which relate to the voyevoda offices shall also be referred to the Delegate General of the State of Galicia.

Article 8. The authorities mentioned in part (a) of the foregoing article shall attend to all matters relating to citizenship except cases of grants and loss of citizenship which are placed under the jurisdiction of the voyevoda offices and the Ministry of the Interior.

Under the restriction in paragraph 1 of Article 1 of the law of August 2, 1919 (Prussian laws—Dz. Pr. P. P. No. 65, page 395) relative to the capital city of Warsaw, the voyevoda offices shall grant Polish citizenship except in cases mentioned in Article 9 of the law of January 20, 1920 (Journal of Laws, Republic of Poland, No. 7, Pos. 44).

Decisions in these latter cases, decisions in matters of granting Polish citizenship in the capital city of Warsaw and decisions in cases of loss of Polish citizenship through acquisition of foreign citizenship by formal grant, by acceptance of a public office or by entry into the military service of a foreign state shall be made by the Ministry of the Interior. Furthermore, in cases reserved for its decision under Article 11, section 2, of the aforementioned law the Ministry of the Interior shall inform the Council of Ministers regarding its conclusions.

Article 9. The question of jurisdiction of the local authority shall be governed by the actual place of permanent residence of the person involved. However, if the person has no residence of this kind in the country, the place of abode (Article 2 of the law of January 20, 1920, Journal of Laws, Republic of Poland, No. 7, Pos. 44) shall decide the question of jurisdiction, or if this also cannot be defined, the place of birth, the place of sojourn or finally the place where the person was last living or where his parents were last residing.

Article 10. A private person who requests the certification or recognition of his Polish citizenship must show the facts upon which his request is based.

When a certification of Polish citizenship is required otherwise than upon the request of a private person, the authority shall investigate all the facts entering into the case.

If the need of showing the place of residence shall arise during the course of the procedure, the office which is called upon to decide the matter of citizenship, if not at the same time the competent office from the standpoint of the question of residence, shall take up with the proper office the matter of deciding the question of residence.

Article 11. If a private party desires proof of citizenship, the certificate shall be made according to Form No. 1.

The authorities named in Article 7, paragraph (a), of this order, shall keep a register of certificates issued by them.

Article 12. Whoever wishes to acquire Polish citizenship by a grant, shall file the proper petition with the authority named in paragraph (a) of Article 7 of this order in accordance with the provisions of Article 9 of this order and shall attach to such petition his birth (baptismal) certificate and the certificates of the persons who are to acquire Polish citizenship together with him under Article 13 of the law of January 20, 1920 (Journal of Laws, Republic of Poland, No. 7, Pos. 44), and he shall also attach his marriage certificate if he is married. It is also the duty of the petitioner for citizenship to prove that he possesses means of support or of earning a livelihood for himself and his family and also to submit a certificate of the proper authority of the foreign state that he and the persons who are to acquire Polish citizenship together with him are to lose their former citizenship as soon as they acquire Polish citizenship. Citizens of a state with which Poland is in a state of war are not obliged to present this certificate; in such case it shall suffice if the party interested shall prove that he is a citizen of such state and shall declare that he renounces his former citizenship.

Article 13. The authority named in Article 12 shall see whether the petition complies with the provisions of said article and if necessary shall require that the missing data be furnished. The authority shall then, by a protocol, require from the petitioner a declaration showing where (community, county and country) and how long he resided since his birth, what his occupation was, whether he is a bankrupt, whether, when and for what crimes and by what authority he was sentenced, and also whether his behavior has given any cause for public scandal or offence. In this regard the petitioner shall give information concerning himself and members of his family except as otherwise provided in Article 7, paragraph 1, of the law of April 4, 1920 (Journal of Laws, Republic of Poland, No. 39, Pos. 230).

Taking advantage of the examination the authority shall also convince himself of the petitioner's knowledge of the Polish language and shall call the attention of the applicant to the provisions of Article 16, paragraph 2, of this order. The authority shall clearly mention observance of this last requirement in the protocol.

Furthermore, the authority shall ascertain whether the petitioner's declarations are consistent with the truth, shall obtain the opinion of the community of actual residence in the country, and shall present his decision with all the documents in the investigation to the voyevoda's office, or, in the case of the capital city of Warsaw, to the Ministry of the Interior.

Article 14. If the petition for citizenship is approved, the Ministry of the Interior or the voyevoda's office shall give the petitioner a certificate of citizenship according to Form No. 2.

The day given as the date of issuance of such certificate shall be treated as the day of acquisition of citizenship.

The Ministry of the Interior and the voyevoda offices shall keep a register of persons to whom they have granted citizenship in their jurisdiction.

Article 15. Upon the request of Polish citizens not subject to active military service, the authorities named in Article 7, paragraph (a), of this order shall issue a certificate according to Form No. 3 that no impediments from the standpoint of the laws of the Polish State exist against their intended acquisition of foreign citizenship.

The same authorities shall issue a similar certificate according to Form No. 4 to persons subject to active military service, if such persons obtained from the Minister of War the permission referred to in the last paragraph of Article 6 of this order.

Whoever wishes to obtain the above-mentioned certificate, or the permission of the Minister of War, shall submit to the authority named in Article 7, paragraph (a), of this order, his birth certificate and the birth certificates of the persons who, under Article 13 of the law of January 20, 1920 (Journal of Laws, Republic of Poland, No. 7, Pos. 44), are to lose Polish citizenship together with him, and he shall also present his certificate (document) of marriage, if he is married, and proof that he is a Polish citizen.

Minors and other persons of limited legal capacity and also married women, if still married, must show the approval of their legal representative, or, in the case of a married woman, the husband.

The authorities mentioned in paragraph 1 of this article shall keep a register of the certificates which they issue.

Article 16. The document granting Polish citizenship, as well as all kinds of decisions or certificates referring to the right of citizenship, may be officially made void, if it is shown that the authorities used as a basis for their decisions considerations of fact of decisive legal importance which later proved to be untrue.

This right shall be used by the authority especially if the party interested or his legal representative has knowingly presented as a fact something which is untrue.

An official revocation shall be made if the rules of the law of January 20, 1920 (Journal of Laws, Republic of Poland, No. 7, Pos. 44) or the provisions of this order were infringed or applied erroneously.

The Ministry of the Interior is authorized to order a revocation if the matter relates to one of its decisions or a decision by a voyevoda office or the state commissariat of the capital city of Warsaw; otherwise,—when it is a matter of a decision or certificate of the county offices (*starostwa*), magistrates of the cities of Lwow and Cracow and state commissariats in Lodz or Lublin,—the voyevoda offices shall have this power.

Article 17. The right of appeal to higher authorities is allowed against the decisions of the authorities named in Article 7, paragraph (a), of this order.

The appeal must be presented to the deciding authority of first instance within fourteen days from the day following the day of delivery.

General regulations describe the right of appeal from the decisions of the voyevoda offices.

The authorities of the first and second instance are obliged to mention in their decisions the term for presenting an appeal and the authority to whom it must be presented.

Article 18. This order shall go into force as soon as it is published [July 1, 1920].

REGULATIONS OF JULY 13, 1920[1]

[TRANSLATION]

Article 1. Pursuant to the provisions of paragraph 1, Article 91, of the treaty between the Allied and Associated Powers and Germany, signed at Versailles, June 28, 1919 (Journal of Law of the Republic of Poland, No. 35, text 200), a permanent residence shall form the basis for the acquisition of Polish citizenship only provided there was no break in that residence during the period January 2, 1908–January 10, 1920.

A temporary absence shall not be taken as a break in that residence if it took place in circumstances which show clearly the intention of the person interested of keeping his permanent place of residence.

Article 2. The following persons will be treated on equal footing with those who had a permanent place of residence before January 2, 1908:

(a) Legitimate children of a father who is deceased, and illegitimate children of a mother who is deceased, who were born after this date, provided they have had a permanent place of residence from the day of their birth to January 10, 1920, and provided further that their father or mother had a permanent place of residence before January 2, 1908, up until their death.

(b) Women, who through their marriage secured a permanent place of residence, provided they did not lose it before January 10, 1920, and provided their husbands were residing there permanently without interruption since January 2, 1908.

Article 3. The word "Poles," used in clause 4 and 9 of Article 91 of the treaty, includes all persons of Polish nationality irrespective of their place of birth.

Article 4. The following agencies are competent to accept declarations for the opting of citizenship:

(a) in Poland: offices of the High Commissioners of the Government in Warsaw, Lodz, Lublin and Poznan; municipal offices in Lwow, and Krakow; mayors of towns, forming municipal districts, in the ter-

[1] Text from enclosure with Despatch No. 1282, October 18, 1927, from the American Minister to Poland to the Secretary of State.

ritory of the former Prussian province of Poland; and starostas offices all over Poland.

(b) abroad: Polish diplomatic representatives and consulates.

The place of permanent residence shall be decided by the local authorities.

Article 5. In order to make use of the right to opt for citizenship a person should make to the authorities mentioned in Article 4 a proper declaration, either verbally or in writing, which should include:

(1) His christian and surname;
(2) The day, month, year and place (community, district, state) of his birth;
(3) The name and surname of his parents;
(4) His profession;
(5) His place of residence (community, district, state);
(6) The citizenship possessed by him before January 10, 1920;
(7) The christian and surname of his wife;
(8) If the person opting for citizenship has children under eighteen years of age, their names, dates and places of birth.

Article 6. The authorities who receive the verbal declarations will verify the identity of the person and will draw up a statement, which will be signed by the party interested and the clerk receiving the declaration.

A written declaration of a person opting for citizenship should bear his signature; this signature should be legalized by the judicial or police authorities or by a notary; in the territory of the former Prussian province of Poland, this should be done by a district Commissaire of the place of residence.

Article 7. Legal representatives, acting in agreement with family councils or other corresponding bodies, will opt for persons under eighteen years of age, who have no parents, as well as for those persons who have completed their eighteenth year and in regard to whom, independent of their age, there are obstacles in respect to their competency; also for those persons who have been declared incompetent, to the exclusion of those who were declared as such because of dissipation.

Article 8. Those persons whose parents or legal representatives have opted for them, are entitled, up until January 10, 1922, to withdraw their option, provided they have completed their eighteenth year before that date, or if, during this period, their legal representation was cancelled.

Declarations or withdrawal should be submitted to the authorities mentioned in Article 4. In addition, Articles 5, 6 and 11 may be applied here.

Article 9. An option legally effected causes, from the day it was effected, the loss to the person interested of his former citizenship. Beginning from the day the option was legally effected, the optant will be considered as a citizen of the state on whose behalf he has opted.

Article 10. An option once made, cannot be withdrawn, with the exception of those cases mentioned in Article 8.

Article 11. Authorities entitled to accept declarations of option, will give to the optants, after verifying their legitimacy, the necessary certificates; they will also keep a register of such cases.

Article 12. German citizens of Polish nationality who on January 10, 1920, had no permanent place of residence in Poland or Germany, and who were residing abroad, will become Polish citizens, pursuant to the provisions of paragraph 9, Article 91, of the treaty, provided they present to a Polish diplomatic mission or consulate, not later than January 10, 1922:

(1) A declaration in writing (or verbally) stating their desire to become citizens of Poland, and containing information as to where they have been living during the last five years, and for how long; a declaration presented by a husband will be valid also for his wife; a declaration made by parents will be valid for their children under eighteen years of age.
(2) A certificate of birth or baptism of their own, their wives and children, as well as proof that they are German citizens, provided further they declare that they relinquish their German citizenship.
(3) Evidence of their Polish nationality.
(4) A statement from a diplomatic mission or consulate, to the effect that they have been granted Polish citizenship, pursuant to the provisions of paragraph 9, Article 91, of the treaty.

With regard to persons under eighteen years of age, as well as those who have been declared incompetent, independent of their age, the regulations governing Articles 7 and 8 will be applied.

Article 13. All applications (declarations) and enclosures, as well as confirmations in cases settled by these regulations, are free from stamp and office fees.

The above does not apply to notarial legalizations.

Article 14. These regulations enter into force on the day of their publication.

ORDER NO. 540, OF AUGUST 11, 1920[1]

With regard to loss of Polish citizenship as the result of failure to perform military service.

Article 1. A Polish citizen may be deprived of his Polish citizenship if:

(1) He voluntarily leaves the service of the Polish army and resides outside of Poland, or in an area occupied by the enemy.

(2) If in order to avoid military service he leaves Poland and resides in a foreign country.

[1] Text from enclosure with Despatch No. 113, February 9, 1925, from the American Minister to Poland to the Secretary of State.

PORTUGAL

EDITORS' NOTE. The Constitution of April 29, 1826 [1] enacted that persons other than Brazilian citizens born in Portugal acquired Portuguese nationality.[2] Children of foreign parents residing in Portugal in the service of their nation were excepted from the above provision. The above principles were embodied in the Civil Code of 1867. The decree law of December 2, 1910 [3] governs the requirements for naturalization. Article 3 of this decree is altered by the decree of March 28, 1911.[3] Decree Law No. 2355,[4] of April 23, 1916, was concerned with the nationality and naturalization of Germans and allies of Germany. The laws are applicable in the colonies.

BIBLIOGRAPHY: Cahn, 521; Cit. Bd. Report (1906) 486; Cogordan, 515; Folleville, 588; Keller-Trautmann, 753; Lehr, 163; Magnus, 94; Zeballos, I, 488.

For the text of the Code of 1867, in Portuguese, see *Codigo civil portuguêse* (1924) 7; in German, see Hamburg Polizeibehörde, *Gesetze über die Staatsangehörigkeits* (1898) 165. For the text of the decree law of December 2, 1910, in Portuguese, see *Diario do governo*, December 3, 1910; in French, see *Ann. de lég. étr.* (1910) 202; *Rev. de dr. int. pr.* (1911) 527; in English, see *Br. Parl. Papers*, Misc. No. 3 (1912), Cd. 6073. For the text of the decree of March 28, 1911, in Portuguese, see *Diario do governo*, March 29, 1911. For text and comment, see *Ann. de lég. étr.* (1911) 366. For the text of the decree law of November 30, 1911, in Portuguese, see *Diario do governo*, December 3, 1910. For the text of the decree of April 23, 1916, in French, see Clunet (1917) 794. For the text of the law of May, 1916, in French, see *Rev. de dr. int. pr.* (1915–16) 391.

CIVIL CODE OF 1867[5]

[TRANSLATION]

TITLE II.—THE ACQUISITION OF PORTUGUESE CITIZENSHIP

Article 18. The following persons are Portuguese citizens:

(1) Those born within the kingdom, of Portuguese parents, or of Portuguese mothers, in the case of illegitimate sons;

(2) Those born in the kingdom, of foreign fathers, provided the latter do not reside therein in the service of their country. However, this is not the case if those persons are of age, or if they have received permission of their parents or guardians, in the event they are under age, and if they state that they do not desire Portuguese citizenship;

(3) The sons of a Portuguese father, even if the latter was expelled from the country, or the illegitimate sons of a Portuguese mother, although born in a foreign country, who may establish their domicile in the kingdom, and who, being of age or having received permission of their parents or guardians, in case they are under age, may make a declaration to the effect that they desire to become Portuguese citizens;

[1] Cogordan, 515. [2] Article 7. [3] Post. [4] Clunet (1917) 794.

[5] Text from enclosure with Despatch No. 1118, July 2, 1925, from the American Minister to Portugal to the Secretary of State.

(4) Those persons born in the kingdom, of unknown parents, or whose nationality is unknown;

(5) Naturalized foreigners, irrespective of any religious belief they may hold;

(6) An alien woman who marries a Portuguese citizen;

Section 1. The declaration required by the provisions of paragraph number 2, shall be made before the municipal authorities in the place where the person making the declaration may reside; and the declaration required by paragraph number 3, before the respective Portuguese consular officers, or before the competent foreign authority.

Section 2. A minor child, upon attaining full age, or receiving the permission of parents or guardians, may, by means of a new declaration, made before the municipal authorities in the place chosen as his or her domicile, apply for the return of the declaration which may have been made by the father or guardian during his or her minority, according to the terms of paragraph number 2.

Article 19. Aliens who are of age, or who may be considered to be so, in accordance with the laws of their country and the laws of Portugal, may become naturalized provided:

(1) That they are capable of earning their livelihood, or possess other means for their maintenance;

(2) That they have resided at least one year in Portuguese territory.

Sole Section. Aliens who are descendants of Portuguese, either through the male or female line, and who may have their domicile in the kingdom, may become naturalized, independently of provisions of paragraph number 2 of Article 19.

Article 20. In the case of foreigners married to Portuguese women, or in the case of those who may have rendered, or may have been called upon to render to the nation any important service, the government may dispense with all or part of the time of residence required by paragraph number 2 of the preceding article.

Article 21. Naturalization papers will only be valid when they have been registered in the archives of the municipal chambers in the place where the alien may establish his domicile.

Title III.—Loss of Portuguese Citizenship

Article 22. Portuguese citizenship is lost:

(1) By the citizen who becomes naturalized in a foreign country; he can, however, regain his Portuguese citizenship by returning to the kingdom with the intention of residing therein, provided he declares his intention of so doing before the municipal authorities in the place chosen by him for his domicile;

(2) By the citizen who, without the permission of the government, accepts

public office, favors, pensions or decorations from any foreign government; he may, however, regain his former rights by a special pardon of the government.

(3) By the citizen who has been expelled from the country by sentence of the courts (until the sentence shall have expired);

(4) By a Portuguese woman who marries a foreigner, except in the case of her not becoming, by reason of her marriage, naturalized in the country of her husband. In the event that the marriage is dissolved, however, she can regain her former Portuguese citizenship by acting in accordance with the provisions set forth in the second part of paragraph number 1 of this article.

Section 1. The naturalization in a foreign country of a Portuguese citizen married to a Portuguese woman does not imply the loss of Portuguese citizenship with regard to the woman, unless she shall have declared that she desires to follow the nationality of her husband.

Section 2. In the same manner, the naturalization in a foreign country of a citizen, although married to a woman of foreign origin, does not imply the loss of Portuguese citizenship with regard to minor children born before the naturalization, unless the latter, being of age, or having received the permission of their parents or guardians, declare that they desire to follow the nationality of their father.

Article 23. Those persons who regain Portuguese citizenship, in accordance with the provisions of the preceding article, can only avail themselves of this right as from the day of their reinstatement.

DECREE OF DECEMBER 2, 1910[1]

REGULATING THE GRANTING OF NATURALIZATION PAPERS

[TRANSLATION]

The Provisional Government of the Republic of Portugal proclaims, in the name of the Republic, the following decree which shall have the force of law:

Article 1. The government may grant naturalization papers to foreigners who apply therefor to the Municipal Chambers in their place of residence, provided the following conditions are fulfilled:

(1) Applicants must be of age or be considered as such, both by the laws of Portugal and by the laws of their own country;

(2) Applicants must be capable of earning their living by means of their own work or they must have other means of livelihood;

(3) Applicants must have resided for at least three years in Portuguese territory;

(4) Applicants must not be the subject of any criminal proceedings;

[1] Text from enclosure with Despatch No. 1119, July 2, 1925, from the American Minister to Portugal to the Secretary of State.

(5) Applicants must have compiled with the military service laws of their own country.

Section 1. The conditions referred to in this article must be authentically proven.

Section 2. Compliance with condition 3 is not required of the descendants of Portuguese who may become domiciled in the country, and may be dispensed with, either in whole or in part, in the case of foreigners married to Portuguese women, and in the case of persons who may have rendered, or may be called upon to render, any important service to the nation, in which case the usefulness of the service may cause this condition to be dispensed with.

Section 3. Compliance with condition 4 is established by a certificate issued by the country of the applicant seeking Portuguese naturalization, and by a certificate of his criminal registration in Portugal, in case his residence in Portuguese territory may have been for a lesser period of time than fifteen years; in case his residence has been for a longer period, the latter certificate will be sufficient.

Section 4. Apart from the documents mentioned above, only those documents required by treaty or convention between the Portuguese Nation and the country of the applicant seeking naturalization will be demanded.

Section 5. Documents issued in Portugal shall not be subject to the provisions of the Stamp Law, and the Government is empowered to dispense with them, substituting these documents by information secured from the competent government departments, authorities and functionaries.

Article 2. A Portuguese citizen who by chance is considered also a citizen of another country is not entitled to claim Portuguese citizenship while residing in such other country.

Article 3. A naturalized foreigner shall not be permitted to exercise public functions of any nature, or exercise functions in connection with the direction or fiscalization of societies or any other enterprises dependent on the state, whether they be by contract or are subsidized by the state, until five years at least shall have elapsed from the date of his naturalization.[1]

Sole Section. During this same period a naturalized foreigner shall be subject, with regard to the acquisition and possession of movable property, to the same restrictions which are in force with regard to foreigners.

Article 4. Naturalization papers shall only be valid when registered within the period of six months, as from the date of the granting thereof, in the archives of the Municipal Chamber of the Council where the foreigner has established his domicile.

Article 5. On naturalization papers issued, a fee stamp to the value of 20$000 reis, which shall be affixed and cancelled at the Ministry of the Interior, shall be paid by the foreigner applying for naturalization.

[1] See decree of March 28, 1911, post, p. 494.

Sole Section. This stamp duty shall be waived when naturalization has been granted to a person who has rendered, or has been called upon to render, any important service to the nation.

Article 6. Legislation to the contrary is hereby revoked.

DECREE OF MARCH 28, 1911[1]

[TRANSLATION]

Article 3 of the decree of December 2, 1910, states that a naturalized foreigner shall not exercise public functions of any nature, or any function in connection with the direction or fiscalization of societies or other enterprises dependent on the state, until a period of at least five years shall have elapsed from the date of his naturalization. It is evident that this decree refers to those persons naturalized in accordance with the provisions of the law in question, and not to those persons who, at the time of the publication of the law, were Portuguese citizens or who were, not being naturalized, exercising any of the functions to which Article 3 refers. To interpret otherwise the decree of December 2, 1910, would be to give retroactive effect to its provisions, and to deny a right which Portuguese citizenship can only confirm. For this reason it is necessary that any doubts which may have been raised with regard to the matter be cleared up.

The Provisional Government of the Republic of Portugal proclaims, in the name of the Republic, the following decree which shall have the force of law:

Article 1. Article 3 of the decree of December 2, 1910, regulating the naturalization of foreigners, is hereby amended to read as follows: "A foreigner naturalized by virtue of the provisions of this decree shall not exercise functions in connection with the direction of fiscalization of societies or other enterprises dependent on the state, whether they be by contract or are subsidized by the state, until a period of at least five years shall have elapsed following the date of his naturalization. This does not apply when previous to the passage of this law, he was exercising these functions."

Article 2. The "sole" paragraph of Article 3 of the decree of December 2, 1910 shall remain in force.

It is therefore resolved that all the authorities, whose business it is to take cognizance of the present decree and see to its execution, shall comply with its provisions and see that they are carried out as stated therein.

The Minister of the various departments shall cause this decree to be published and circulated.

[1] Text from enclosure with Despatch No. 1119, July 2, 1925, from the American Minister to Portugal to the Secretary of State.

RUMANIA

EDITORS' NOTE. The Civil Code of November 20, 1864[1] provided that children, wherever born, of Rumanian parents were Rumanians (Article 10). Children born in Rumania of foreign parents were permitted to acquire nationality of their parents, *jure sanguinis*, by formally claiming it upon reaching majority (Article 8). Article 12 provided that an alien woman who married a Rumanian acquired his nationality. The Constitution of 1866[2] contained religious distinctions in connection with nationality, which were removed by the law of 1878.[3] The Constitution of 1866, as amended on October 13, 1879,[4] provided that a foreigner, whatever his religion, could be naturalized (paragraph 1), upon compliance with prescribed conditions.

Article 3 of the law of 1880[5] provided for the naturalization of certain Turkish subjects. The Constitution of 1866 as amended on June 8/20, 1884 contained provisions regarding nationality. The decree law of December 29, 1918[6] granted civil rights to all persons, irrespective of their religion. The decrees of May 22, 1919[7] and August 12, 1919 provided a solution for the question of the nationality of Jews in Rumania. The application of the law of February 23, 1924,[8] now in force, is provided for by the rules of April 17, 1924.[9] In addition, there are instructions to the administrative officers.

BIBLIOGRAPHY: V. Athanasovici and M. Ionescv-Dolj, "Observations critiques sur la loi relative à l'acquisition et à la perte de la nationalité roumaine," *Bull. de lég. comp.* (1924–25) 180; Cit. Bd. Report (1906) 470; Cogordan, 518; Lehr, 166; A. Lucien, *De la nationalité en Roumanie* (Paris, 1906), reviewed in *Rev. de dr. int. pr.* (1909) 462; D. G. Maxim, *La naturalisation en Roumanie* (1925); Alexandre Suciu, *De la nationalité en Roumanie* (Paris, 1906); Zeballos, I, 297.

For comment on the Civil Code of 1865, see *Ann. de lég. étr.* (1880) 760. For comment on the Constitution of 1865, see ibid. For comment and text of the law of October 13, 1879, see *Ann. de lég. étr.* (1880) 759. For comment on the decree law of December 29, 1918, see *Ann. de lég. étr.* (1920) 306. For text of the decree law of May 22, 1919, see *Mon. off.*, May 22, 1919; *Rev. de dr. int. pr.* (1920) 226. For comment on the law of August 31/September 13, 1920, see *Ann. de lég. étr.* (1920) 305. For the text of the law of February 23, 1924, in French, see *Rev. de dr. int. pr.* (1924) 468; in German, see Dutozak, *Die Feststellung der Rumänischen Staatsangehörigkeit* (Pamphlet, 1924) 36; *Zeitschrift für Ostrecht* (1929) 1185; Kramer, 241. For comment, see Magnus, 98; A. Schwefelberg, "La loi roumaine du 23 février 1924 sur l'acquisition et la perte de la nationalité roumaine, par rapport aux traités de paix," Clunet (1926) 300. For the text of the rules of April 17, 1924, see *Mon. off.*, April 17, 1924. For comment, see *Bull. de lég. comp.* (1924–25) 204.

CONSTITUTION OF MARCH 28, 1923[10]

[TRANSLATION]

Article 7. Distinction of religious faith and confession, of ethnical origin and language shall not constitute in Rumania an impediment for obtaining and exercising civil and political rights.

[1] Lehr, 166. [2] Zeballos, I, 297. [3] Ibid. [4] Cogordan, 518.
[5] Zeballos, I, 298. [6] *Ann. de lég. étr.* (1920) 306.
[7] *Mon. off.*, May 22, 1919. [8] Post. [9] *Bull. de lég. comp.* (1924–25) 204.
[10] Text from enclosure with Despatch No. 404, May 14, 1923, from the American Minister to Rumania to the Secretary of State.

Naturalization alone can make a foreigner equal to a Rumanian for the exercise of political rights.

Naturalization is accorded to individuals by the Council of Ministers after a declaration by a commission composed of the First President and Presidents of the Court of Appeal of the Capital, that the petitioner fulfills the legal requirements.

A special law will determine the conditions and procedure by which foreigners obtain naturalization.

Naturalization has no retroactive effect. The wife and minor children profit under the conditions, foreseen by law, from the husband's or father's naturalization.

Article 8. No distinction of birth or social class shall be admitted in the state.

All Rumanians without distinction of ethnical origin, language or religion, are equal before the law and are obliged to contribute without distinction to public taxation and burdens.

Rumanians only are admitted to public, civil and military functions and dignities.

Special laws will determine that status of public employees.

Foreigners shall not be admitted to public offices, except in exceptional cases to be established by law.

Article 9. All foreigners resident on Rumanian territory enjoy the protection of their person and their property given by law.

Article 133. The following decree laws are ratified: No. 3902, of December 29, 1918, published in the *Moniteur officiel* No. 223, of December 30, 1918, concerning the granting to Jews of civil rights: No. 2085, of May 22, 1919, published in the *Moniteur officiel* No. 33, of May 28, 1919, and No. 3464, of August 12, 1919, published in the *Moniteur officiel* No. 93, of August 13, 1919, pertaining to the citizenship of Jews, who were living in the Old Kingdom.

Likewise all decree laws for individual citizenship, which were made prior to the above decree laws, are also ratified.

Jewish dwellers in the Old Kingdom who have not as yet completed their citizenship under the terms prescribed in Decree Law No. 3464, of August 12, 1919, may make declarations of citizenship, within a term of three months from the promulgation of this Constitution, in conformity with Decree Law No. 2085, of May 22, 1919.

LAW OF FEBRUARY 23, 1924[1]

[TRANSLATION]

CHAPTER I

Article 1. Rumanian nationality is acquired under the provisions of this law, as follows:

(1) By filiation;
(2) By the fact of being born on Rumanian territory as provided in Article 3 of the present law;
(3) By marriage and
(4) By naturalization.

Article 2. The following are Rumanians by filiation:

(a) Children born of the marriage of a Rumanian man, regardless of their place of birth;
(b) The illegitimate children of a Rumanian woman, even when born in a foreign country.

Children legitimated by a Rumanian are considered as always having been Rumanians.

Adoption does not produce any effects upon nationality.

Article 3. Children found on Rumanian territory without known father and mother are considered as Rumanians.

Article 4. A foreign woman who marries a Rumanian becomes Rumanian.

Article 5. Foreigners having secured their naturalization become Rumanians.

Article 6. Foreigners in Rumania, generally, are entitled to the same civil rights as the Rumanians, except in cases where the law shall decide otherwise.

They cannot obtain Rumanian citizenship and exercise their political rights, except by the methods provided in the present law.

CHAPTER II.—NATURALIZATION

PARAGRAPH 1.—*Conditions of Naturalization*

Article 7. Naturalization is effected individually and no foreigner can secure his naturalization except by complying with the following conditions:

(1) Applicant must have reached the age of twenty-one years;
(2) He must manifest his willingness to become a Rumanian and declare that he renounces his foreign citizenship in accordance with the terms of Article 21;

[1] Text from enclosure with Despatch No. 596, April 28, 1924, from the American Minister to Rumania to the Secretary of State. See also *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, p. 56.

(3) Following his declaration of intention to become a Rumanian, he must have resided on Rumanian territory for a period of ten continuous years;
(4) Good behaviour in the present and past;
(5) Possession of sufficient means properly to provide for himself and family, or the possibility of earning them;
(6) When the petitioner acquires Rumanian nationality, he must have lost or lose his previous nationality, by the laws of his country.

Article 8. The examining commission for the conditions of naturalization may advise as to the reduction of or dispensation from the required period of residence in the country:

(a) For foreigners who can prove that they are useful to the Rumanian nation;
(b) For foreigners married to Rumanian women.

Article 9. The required period of residence in Rumania is not required for the following persons:

(a) Foreigners born and raised in Rumania up to the age of twenty-one years, provided they apply for naturalization within the course of one year from the time they reached this age;
(b) Children who had reached the age of twenty-one years when their father was naturalized.

Article 10. Persons of Rumanian extraction who are citizens or subjects of another state, regardless as to their place of birth, and who renounce their foreign nationality, may be admitted to Rumanian nationality without complying with the requirements of paragraphs 3, 5 and 6 of Article 7.

In this case the declaration by which the wish to become Rumanian is manifested as provided by Article 7, section 2, and Article 21, must contain their categorical renunciation of foreign nationality.

PARAGRAPH 2.—*Organs and procedure of naturalization*

Article 11. Naturalization is granted by the Council of Ministers, after an investigation by the Commission, composed of the Chief Justice and Judges of the Court of Appeal of the country's capital, showing that the alien meets with the requirements as provided in Article 7 of the present law.

Article 12. The Commission for the investigation of naturalization conditions is attached to the Ministry of Justice and is presided over by the Chief Justice of the capital's Court of Appeal.

In the absence of the latter, his functions shall be performed by the Senior Judge of those constituting the Commission.

The Director of Judicial Affairs in the Ministry of Justice shall act as secretary to the Commission.

Article 13. In case of a vacancy of one of the positions of Chief Justice or Judge, the Commission shall be completed by the president or the coun-

sellor who is authorized to act as Chief Justice or Judge, in accordance with the law for judicial organization.

This provision also applies when the president or one of the members of the Commission is unable to be present at its meetings.

Article 14. The Commission is convened by its president. It cannot deliberate or make any decisions, except by an absolute majority of the members composing it.

A tie vote is interpreted in favor of the request.

Article 15. The conclusions of the Commission shall always be given in writing and the motive stated.

Article 16. The conclusions of the Commission showing that the foreigner fulfills the conditions required for naturalization shall be forwarded, together with the respective dossier, to the Council of Ministers through the medium of the Ministry of Justice.

Article 17. The Council of Ministers grants or refuses naturalization.

In cases of persons coming under the provisions of Article 8, it decides as to the reduction or dispensation from the required time of residence in Rumania.

The requests for reduction of, or dispensation from, the required time of residence in Rumania when once refused cannot be repeated, except in cases when the persons requesting it can prove that they have performed exceptional services for the country after the refusal of their original request.

Article 18. The Council of Ministers shall not give any reasons for its refusals of naturalization.

Decisions for admission to naturalization shall be published in the Official Monitor.

Article 19. Petitions for naturalization considered by the Commission as not fulfilling the requirements of the law, shall not be presented to the Council of Ministers.

Article 20. Petitions for naturalization accompanied by the declaration as provided in Article 7, number 2, and by all documents relative to the case, shall be addressed to the presiding Judge of the Commission in conformity with Article 11 and registered by the secretary of the Commission.

The required term of residence as provided in Article 7, number 3, shall begin on the date of the registration of the petition for naturalization.

Article 21. Declarations of intention and of the renunciation of foreign citizenship shall be drafted in an authentic form.

Declarations relative to the option of nationality shall also be made in a similar manner.

Article 22. Immediately following the registration of the declaration of intention, the president of the Commission shall cause, at the instance and expense of the petitioner, its publication in the Official Monitor, as well as in one of the leading periodicals of the country, preferably one of the local newspapers of the petitioner's residence.

The president shall present to the Commission the petition for naturalization only after the petitioner shall have submitted the Official Monitor and the newspaper in which the petition was published and after it is shown that fully thirty days have elapsed from the date of the last publication.

The requests of person of Rumanian extraction shall only be published in the Official Monitor, by authority and without cost; as likewise the decision of the Council of Ministers for admission to naturalization.

Article 23. The Public Ministry, and the local and central administrative authorities, as well as any other person in a position to prove by documentary evidence that the petitioner does not fulfill the requirements of the law, may address their objections in writing to the Commission, within the period of time prescribed in Article 22.

Similar objections may also be addressed to the Council of Ministers before it has reached a decision concerning a naturalization case.

Article 24. The Commission may demand:

(a) That the petitioner fill out the papers or give oral or written explanations;
(b) That one of its members, either by delegating members among courts of any degree, or administrative authorities, may obtain information or make such investigations as they see fit;
(c) The summoning of any other person who, in its opinion, can give valuable information.

Article 25. Petitions for naturalization of persons not fulfilling the requirements relative to age and period of residence in the country, and rejected by the Commission, may be renewed after the party has reached the age of twenty-one years or resided during the required period in the country, without executing a new declaration of intention.

Petitions rejected for lack of the conditions prescribed in Article 7, number 4, cannot be renewed.

Petitions rejected for lack of the condition prescribed in Article 7, number 5, may be renewed when the petitioner can offer further proofs that he is able to comply therewith.

Article 26. A decision of the Council of Ministers favorable to naturalization shall be communicated to the Ministry of Justice, which in turn shall publish it in the Official Monitor, at the expense of the petitioner and after he has taken the oath of allegiance.

Article 27. Under pain of losing the benefit of the decision favorable to naturalization, the petitioner is required, within a period not exceeding thirty days from the date of notification by the Ministry of Justice and after paying the legal taxes, to take an oath of allegiance, before a delegate of the Ministry of Justice, in the following form:

"Upon my honor and my conscience, I swear allegiance to His Majesty the King and to the Dynasty of Rumania, the Constitution and the laws

of the country, and the national interests and rights of the Rumanian people."

Article 28. Naturalization is sanctioned by the decree of naturalization published in the Official Monitor and by the certificate of citizenship issued to the party in question by the Ministry of Justice.

Article 29. In addition to the conditions established by Article 7, Rumanian citizenship, under the title of honorary citizen, may be accorded, on the proposal of the government or by parliamentary initiative of the Legislative Assemblies by a majority vote of two-thirds, for exceptional services rendered to the country and nation.

Article 30. An honorary citizen cannot exercise political rights except by the authorization of the Council of Ministers, after proving that he no longer exercises any public function in a foreign country and has renounced the citizenship of the state of which he was a national.

Article 31. The honorary citizenship accorded to foreigners by the departmental or communal Councils has no effect upon nationality. Under no circumstances can it be accorded except under the rules established by the administrative law and for exceptional services rendered to the departments or communes.

Paragraph 3.—*The effects of naturalization*

Article 32. Naturalization has no retroactive effect.

Its effects ensue only from the date of publication in the Official Monitor of the decision of the Council of Ministers by which it was accorded.

Article 33. A naturalized foreigner, in so far as regards civil and political rights, has the same status as a Rumanian.

Article 34. A wife becomes a Rumanian citizen by the naturalization of her husband, unless she duly renounces Rumanian nationality by express declaration, retaining her nationality acquired by marriage or that which she elected on the occasion of her marriage, as indicated in Article 40.

Likewise children under twenty-one years of age benefit by their father's naturalization.

Article 35. Children admitted to Rumanian nationality under the provisions of Article 34, may, within a period of one year from the time they have reached the age of twenty-one years, renounce Rumanian nationality by a formal legalized act addressed to the Ministry of Justice in the country or to Rumanian legations or consulates, if abroad.

Title II.—Concerning the Loss and Recovery of Rumanian Nationality

Article 36. Rumanian nationality is lost:

(a) By naturalization in another country;
(b) By the legitimation of an illegitimate child of Rumanian nationality by a foreigner;

(c) By marriage, as outlined in Article 38;
(d) By acceptance of a public function from a foreign government without the authorization of the Rumanian Government;
(e) By accepting for no matter how short a time the protection of a foreign government, for any reason whatsoever;
(f) By withdrawal of naturalization, in the cases set forth in Articles 41 and 42;
(g) In the case stated in Article 37.

Article 37. A Rumanian who enters the military service of a foreign country or affiliates himself with a foreign military organization, without the authorization of his government, shall lose his status as a Rumanian.

He cannot recover his status as a Rumanian except as provided in Article 7.

Nor does this exempt him from the penalties imposed on Rumanians having borne or who may bear arms against their own country, as provided by the Penal Code.

Article 38. A Rumanian woman becomes an alien when marrying a foreigner, except in cases when, by the law of his country, she is not invested with his nationality, or when she either stipulates in her marriage contract to retain her Rumanian nationality or executes a formal declaration before or on the occasion of her marriage.

Article 39. A Rumanian woman who became an alien by marriage recovers her status as a Rumanian when her marriage terminates by divorce or by the decease of her husband, provided she manifests her desire by a written declaration in due form addressed to the Ministry of Justice if in the country, or to Rumanian legations or consulates if abroad.

This right is also extended to a woman judicially separated from her husband.

Article 40. An alien woman who acquired Rumanian nationality by marriage, retains this status even after the termination of her marital relation by judicial separation or by decease of the husband, provided she has not manifested a contrary intention by a declaration in due form addressed to the Ministry of Justice, if she is residing in the country, or, if abroad, to the Rumanian legations or consulates.

Article 41. Rumanian nationality may be withdrawn from any naturalized Rumanian who is a native of a state with which Rumania may be at war:

(a) When it is shown that he committed acts contrary to the public order and against the internal and external safety of the state;
(b) When it is shown that he left the country to evade military service or any other public service obligatory for Rumanians;
(c) When it is shown that in the service of his country of origin or any other country, he committed acts of espionage or was accessory to acts contrary to the national rights and interests of the Rumanian State and people.

In all these cases, the withdrawal of the naturalization shall be accomplished by a royal decree, published in the Official Monitor, upon the proposal of the Ministry of Justice and on the basis of a decision by the Council of Ministers.

Under no circumstances shall these persons recover their status as Rumanians.

Article 42. Withdrawal of naturalization affects only the individual concerned. It does not affect the wife and children of the naturalized individual, unless expressly indicated in the decree for withdrawal of naturalization.

Article 43. Withdrawal of naturalization is made independently of the sanctions provided in the military justice code or by other laws for crimes and offences committed by the person naturalized.

Article 44. A Rumanian who lost such status in the cases covered by the provisions of subparagraphs (a) and (b) of Article 36, can recover it only by naturalization.

Article 45. A Rumanian who lost his status as such by accepting a public function or temporary protection from a foreign country, may recover it, if he formally renounces such protection and provided he obtains the authorization of the Council of Ministers to establish his residence in Rumania.

Article 46. The child of a Rumanian who lost his status as such, may always recover his or her Rumanian nationality by complying with the formalities prescribed in Article 45.

Title III.—Concerning the Option for and Renunciation of Nationality

Article 47. The declaration of option or of renunciation of nationality, in the cases and within the terms fixed by the law or by international conventions ratified by the Legislative Assemblies, shall be made, after the date of promulgation of the present law, in the form provided by Article 21 and in the presence of the authorities indicated in Article 48, except in cases when these laws and conventions prescribe other forms and other authorities.

Article 48. Declarations of option or renunciation of nationality may be made on Rumanian territory, in any rural or city commune, before the authorities constituted by law to take cognizance of the declaration and to legalize it.

The declaration shall be made in six copies, of which only three shall be given to the declarant.

Under the sanction provided by Article 53, the authority legalizing the declaration, as well as the individual making the option or renunciation, are each obliged to send an attested copy to the town hall, of the commune where the declarant resides and to the respective departmental prefectures.

When abroad, the declaration of option or renunciation of Rumanian

nationality shall be made in a similar authentic form at the Rumanian legations or consulates.

Article 49. The authority taking the declaration of option or renunciation shall verify the identity of the declarant, and shall note on the declaration the identifying documents submitted.

Article 50. The option or renunciation of a husband carries with it that of the wife, and the renunciation of parents carries with it that of the children under twenty-one years of age.

The option and renunciation of a minor child without parents shall be made by the guardian.

Article 51. The declaration of option or renunciation is final. It cannot be withdrawn.

Exception is made for option or renunciation of persons mentioned in Article 50, if they have the right by law or in accordance with conventions, to opt or to renounce in their own name.

Article 52. The departmental Prefectures are obliged to communicate to the Ministry of Interior all declarations of options or renunciations, after they shall have been properly completed and the Ministry of the Interior should transmit them to the government of the foreign state in whose favor the option was made, through the Ministry of Foreign Affairs.

Article 53. A fine of from 5,000 to 20,000 lei shall be imposed upon authorities and declarants for failure to comply with the provisions of Articles 48 and 49.

Title IV.—Final and Transitory Dispositions

Article 54. The provisions of Articles 6 to 20 inclusive of Book I, Title I, Chapters I and II of the Rumanian Civil Code; paragraphs 18 to 38 inclusive of the Civil Code now in force in Bukowina; Article 50 of the compilation of laws of 1879 applicable in Transylvania, the Banat, Crisana, Satmar and Maramures (various provinces of Transylvania); Articles 819, 820, 824, 825, 826, 827 and 836 to 857 inclusive of Volume IX, Book I, Part VI, Chapter III of 1899, with its subsequent modifications applicable in Bessarabia, as well as any other provisions relative to this matter and included in laws, regulations, orders, decrees and decisions in force at the time of the promulgation of this law, in different parts of the Rumanian State, are hereby abolished.

Article 55. Requests for naturalization or recognition, each with its respective documentation, addressed to the Ministry of Justice or to the Legislative Assemblies before the promulgation of the present law, shall be addressed to the Commission as indicated in Article 11, which shall examine them as to whether or not they comply with the requirements of the present law. It will not, however, be necessary merely because of this to repeat the declaration of intention prescribed by Article 7, paragraph 2.

In these cases the term of residence is calculated from the date of the filing of the application for naturalization.

The Council of Ministers gives its decision based on the conclusions of the Commission under the circumstances outlined in Chapter II, paragraph 2, of the present law.

Requests for naturalization or recognition voted by one of the Legislative Assemblies before the promulgation of the present law, shall be sent with all the enclosures, directly to the Council of Ministers, which shall give its decision thereon without further need of investigation by the Commission as provided in Article 11.

Article 56. The following classes of inhabitants are and remain Rumanian citizens if, until the date of the promulgation of the present law, they have not opted for another nationality:

(1) All inhabitants of Bukowina, Transylvania, the Banat, Crisana, Satmar and Maramures who had a legal residence on December 1, 1918 (November 18th, Gregorian Calendar).
(2) Inhabitants who on March 27/ April 9, 1918, were legal residents of Bessarabia in accordance with the laws in force in that province;
(3) Inhabitants of the Old Kingdom who were admitted to Rumanian citizenship under the provisions of the law decrees ratified by Article 133 of the Constitution;
(4) Inhabitants of the districts of Caliacra and Durostor, whose Rumanian naturalization has been definitely recognized by the decisions of the Commissions mentioned in Article 6 of the law of April 1, 1914 and in Article 10 and subsequent articles of the law of July 26, 1921 for the organization of New Dobrudja;
(5) Persons originating from Bukowina, Transylvania, the Banat, Crisana, Satmar and Maramures, who were residing in the Old Kingdom at the time of the union and who had a legal residence in one of the communes of the aforesaid territories.
(6) Persons who on the date of the union, although not domiciled in one of the communes of Bukowina, Bessarabia, Transylvania, the Banat, Crisana, Satmar and Maramures, were nevertheless born in one of those communes of parents domiciled therein.
(7) Individuals of Rumanian extraction natives of territories of the former Russian Empire and of territories attributed to the Serb-Croat-Slovene State, to Czechoslovakia, Poland, Italy, Austria and Hungary, who opted for Rumanian nationality before the local authorities of these states or before any Rumanian authorities;
(8) Inhabitants of the communes who, at the establishment or rectification of the frontiers, pass from the sovereignty of another state to the sovereignty of the Rumanian State, provided they fulfill the requirements for classes of inhabitants listed under numbers 1 and 2 above.

Article 57. In obtaining Rumanian nationality under the above conditions by the husband and parents, the nationality is vested also in the wife and children under parental jurisdiction.

Article 58. Foreigners who have reached the majority age, who were born, raised and domiciled in Rumania, who are not under the protection of a foreign state and who apply for naturalization within the course of one year from the promulgation of the present law, are not required to comply with the provisions of Articles 7 and 8 relative to the required time of residence in the country.

Article 59. Children born in Bessarabia, Bukowina, Transylvania, the Banat, Satmar, Crisana and Maramures, and who on the date of the union were not able to obtain another nationality, acquire Rumanian nationality.

Article 60. Persons included in the category of Article 56 are considered to have lost their Rumanian nationality, if it is shown that before the promulgation of the present law they opted for another nationality.

The Ministry of the Interior and the administrative and police authorities have the power to proceed against persons who, having opted for another nationality, have failed to leave the country within the specified period of twelve months from the date of option.

These persons may take with them their personal property of any kind without being required to pay any export taxes.

From the date of the legalization of the declaration, they are obliged for the remainder of the time spent in the country to comply with the laws and regulations relative to foreigners.

Article 61. Option or renunciations made before the promulgation of the present law, either by an authentic declaration, or by any individually signed document or declaration, or merely by some fact from which the will and determination to opt may be inferred beyond possibility of doubt, are and remain valid and cause the loss of Rumanian nationality.

Article 62. The authorities who, up to the date of promulgation of the present law, received declarations of option for a foreign nationality, as well as renunciations of Rumanian nationality from persons born on Rumanian territory, shall forward such declarations to the town halls where these persons were born.

Article 63. Inhabitants of the communes which at the establishment or rectification of the frontiers should pass under the sovereignty of another state, lose their rights to Rumanian nationality from the moment of cession, unless they remove their residence to Rumanian territory or opt for Rumanian nationality.

Article 64. The status of all persons indicated under numbers 1, 2, 4, 5, 6, and 7 of Article 56, and Articles 57, 59, 60, 61 and 63 shall be officially ascertained by the administrative authorities as provided in the regulation for the investigation of nationality, with the right of appeal for the interested parties to the Commissions appointed for this purpose at the various Courts of Appeal.

Each Commission of Appeal shall be composed of:

(a) One of the counsellors from the respective Court of Appeal, appointed by the Ministry of Justice, with the approval of the Council of Ministers, to the post of president of the Commission.
(b) Two delegates appointed by the Ministry of the Interior, likewise with the approval of the Council of Ministers.

The appeal shall be entered at the local town hall within a term of forty days from the date of the posting of the lists as provided by Article 64, and shall be judged without opposition.

This right applies equally to both the Ministry of Interior and to the Public Prosecutor.

Article 65. The administrative authorities charged with the execution of the investigation shall arrange by communes that naturalization lists in which shall be included all individuals coming under any of the headings of Article 56.

These lists shall be posted, after the termination of the proceedings in each commune at the offices of the local communal authorities.

The decision shall be final in the case of individuals who have not entered an appeal within the time limit specified in Article 64.

Recourse against decisions of the Commissions of Appeal shall be declared to the office of the registrar of these commissions within a term of twenty days from the date of the decision.

The Court of Cassation shall judge these recourses without delay in the council chamber, on the basis of a written account and without the citation of the parties.

Article 66. There is granted a term of three months from the date of the promulgation of the present law, to the inhabitants of the districts of Durostor and Caliacra, who did not file their declarations with the communal authorities as provided by Article 10 and subsequent articles of the law of July 26, 1921, for the organization of New Dobrudja, or to those whose requests for the recognition of Rumanian naturalization have been rejected on the ground that their declarations were made after the expiration of the time limit prescribed in Article 13 of the last-mentioned law.

Inhabitants who are unable to show proof of their naturalization by final decisions of the Naturalization Commissions created by the law of April 1, 1914, shall establish their Rumanian naturalization within the aforesaid time limit. Certificates of citizenship issued in conformity with this law are valid.

The functioning of the Commission instituted by Article 10 of the above-mentioned law, is prolonged for this purpose.

These commissions shall finish their work within a maximum period of three months from the date of the expiration of the above-mentioned time limit.

Article 67.[1] All inhabitants who are not included in these lists, or who

[1] Modified by law of May 29, 1928, post, p. 508.

have not obtained a judicial decision in accordance with Article 64, from the date of the promulgation of the present law, cannot obtain Rumanian nationality except by one of the methods indicated in Article 7 and subsequent articles.

Are excepted inhabitants who were absent from their residence and who acquired the right to Rumanian nationality in conformity with Artic e 56; they may at any time request of the competent communal authorities a lcertificate of nationality, with right of appeal and recourse to the Court of Cassation within the time limits prescribed by Articles 64 and 65, against the decision of the aforesaid authorities.

Article 68. On the basis of the lists and final decisions mentioned in Articles 65 and 66, the Ministry of Interior shall issue through the medium of the mayors' offices, certificates of nationality to the persons entitled thereto.

Any other acts or certificates of nationality are null and void.

The law decrees concerning individual naturalization cases, or the certificates of the registrar of judicial courts verifying declarations required by law decrees, and ratified by Article 133 of the Constitution, constitute proof of nationality for the Jews of the Old Kingdom.

Article 69. A Rumanian woman native of Bessarabia or Bukowina who before the union of these provinces became a foreigner by marriage, may avail herself of the provisions of Article 40 of the present law, provided the marriage has been terminated.

Article 70. A special set of regulations for the investigation of nationality shall establish in detail the circumstances under which the terms of Article 56 and subsequent articles of the present law, are to be enforced.

LAW OF MAY 29, 1928[1]

MODIFYING ARTICLE 67 OF LAW CONCERNING ACQUISITION AND LOSS OF RUMANIAN NATIONALITY

[TRANSLATION]

Article 67. All inhabitants not included in these lists, or who have not obtained a judicial decision as required by Article 64, from the date of the promulgation of the present law, cannot obtain Rumanian nationality, except by one of the means outlined in Article 7, and subsequent articles.

From these requirements are excepted inhabitants who were absent from their residence and who acquired the right to Rumanian nationality in conformity with Article 56, and who may request from the respective communes their registration in the nationality registered, up to December 31, 1928.

[1] Text from enclosure with Despatch No. 284, October 4, 1929, from the American Minister to Rumania to the Secretary of State.

The mayor will make his decision on the basis of the recommendation of the Ministry of Justice, to whom the request and necessary accompanying documents will be forwarded.

The decision of the mayor is given with the right of appeal and recourse to the Court of Cassation within the time limits described by Articles 64 and 65.

The formalities with respect to the confirmation or verification of Rumanian nationality are supervised by the Ministry of Justice.

(RUSSIA)
UNION OF SOVIET SOCIALIST REPUBLICS

EDITORS' NOTE. Nationality of the Russian Empire was regulated by Articles 1538 to 1558 of the Code on conditions of persons (*Svod Zakonov*, IX), edition of 1857. The provisions of this code were superseded by the ukase of March 6, 1864,[1] which provided mostly for naturalization. According to Article 855 of the Code of Conditions,[2] an alien woman who married a Russian acquired his nationality, provided there was a religious marriage. The Code of Conditions was reedited in 1899: Articles 836 to 857 dealt with nationality; children born of Russian parents were Russians, wherever born;[3] children born in Russia of foreign parents did not acquire Russian nationality at birth, but, under the provision of Article 12 of the ukase of 1864, if raised and educated in Russia, they could, within a year after reaching majority, acquire Russian nationality, by taking the oath of allegiance or entering the civil service. The order of December 23, 1908[4] dealt with naturalization.

The Soviet Government passed a decree on December 15, 1921[5] dealing with the loss of nationality. The subject of nationality was more generally treated in the decree of October 29, 1924,[5] which superseded Law No. 578, October 28, 1921, Bulletin No. 72, Collection of Laws, 1921. Law No. 581, of November 13, 1925[5] deals with the loss of nationality by certain persons. A new marriage law was enacted in 1926, Article 8 of which relates to nationality. It is merely a reenactment of Section 5 of Law No. 202, of October 29, 1924.

BIBLIOGRAPHY: L. Beauchet, "Des sujets russes naturalisés américains dans leurs rapports avec la mère patrie," Clunet (1884) 247; V. V. Egorieff, C. N. Lashkevitch, M. Plotkin, B. D. Rosenblum, *Pravovoye Polozhenie Physicheskikh: Juridicheskikh Lits SSSR Za Granitsei* (The Legal Status of Physical and Juridical Persons of the USSR Abroad) (Moscow, 1926); Folleville, 591; Lehr, 169; B. Mirkine-Guetzevitch, "La République des Soviets et le droit international," 3 Moore, *Digest*, 622–56; *Rev. gén. de dr. int. pub.* (1925) 292, 301; "La nationalité et le statut personnel des Russes résidant en France," *Rev. de dr. int. pr.* (1928) 167; Schwartz, 139; Zeballos, I, 367; Zuizeff, *Die Rechtliche Stellung des Ausländers in Sowjetrussland* (Pamphlet).

For the text of the ukase of March 6, 1864, in French, see Clunet (1903) 436; Cogordan, 519. For comment on the order of December 23, 1908, see *Ann. de lég. étr.* (1909) 440. For the text of the decree of December 15, 1921, in English, see *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, p.68; in German, see Freund, *Das Zivilrecht Sowjetrusslands* (1924) 110. For comment on the circular of April 10, 1923, see V. V. Egorieff, C. N. Lashkevitch, M. Plotkin, B. D. Rosenblum, *Pravovoye Polozhenie Physicheskikh: Juridicheskikh Lits SSSR Za Granitsei* (The Legal Status of Physical and Juridical Persons of the USSR Abroad) (Moscow, 1926) 50. For the text of the decree of July 4, 1924 in French, see id. 38. For the text of the ordinance of October 29, 1924, in English, see *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, p. 69; in French, see Clunet (1925) 548; in German, see Bergmann, II, 563; Mersmann-Soest und Wohl, *Die deutsch-russischen Verträge* (1926) 288. Schwartz, 289. For comment, see Magnus, 102; *Rev. gén. de dr. int. pub.* (1925) 301. For the text of the law of November 13, 1925, in English, see *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, p. 72; in French, see Clunet (1927) 526.

[1] Cogordan, 519.
[2] Edition of 1887, Zeballos, I, 368.
[3] Lehr, 169.
[4] Clunet (1917) 837.
[5] Post.

LAW OF DECEMBER 15, 1921[1]

[TRANSLATION]

The All-Russian Central Executive Committee and the Council of People's Commissars decree as follows:

1. Persons of the under-mentioned categories who remain outside the confines of Russia after the publication of the present decree are deprived of the rights of Russian citizenship:

(a) Persons having resided abroad uninterruptedly for more than five years, and not having received before June 1, 1922, foreign passports or corresponding certificates from representatives of the Soviet Government.

Observation. The above-mentioned date does not hold good in the case of countries where there are no representatives of the Russian Socialist Federative Soviet Republic; in such countries the date will be determined after the establishment of such representatives.

(b) Persons who left Russia after November 7, 1917, without the authorization of the Soviet authorities.

(c) Persons who have voluntarily served in armies fighting against the Soviet authority, or who have in any way participated in counter-revolutionary organizations.

(d) Persons having had the right to opt for Russian citizenship and not having exercised that right within the period prescribed for option.

(e) Persons not included under paragraph (a) of this section, who are residing abroad and who shall not have registered themselves at foreign representations of the R. S. F. S. R. within the period prescribed in paragraph (a) and in the observation appended to that paragraph.

2. Persons mentioned in paragraphs (b) and (c) of section 1 may, up to June 1, 1922, make application to the All-Russian Central Executive Committee through the nearest representation for the restoration of their rights.

DECREE NO. 202, OF OCTOBER 29, 1924[2]

REGARDING UNION CITIZENSHIP

[TRANSLATION]

1. A single Union citizenship is established for citizens of the Soviet Socialist Republics (Constitution of the Union of Soviet Socialist Republics, Article 7). A citizen of one of the constituent republics of the Union of Soviet Socialist Republics is thereby a citizen of the Union of Soviet Socialist Republics and enjoys all the rights and is under all the obligations laid down

[1] Law No. 11, Bulletin No. 1, Collection of Laws, 1922. Text from *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852.

[2] Text from *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852.

for citizens both by the Constitution and legislation of the Union of Soviet Socialist Republics and by the Constitution and legislation of the constituent republic in the territory of which he resides.

2. Foreign citizens residing in the territory of the Union of Soviet Socialist Republics for the purpose of working at an occupation and belonging to the working class or to the class of peasants who do not utilize the labor of other persons, enjoy all the political rights of citizens of the Union of Soviet Socialist Republics.

3. Every person in the territory of the Union of Soviet Socialist Republics is deemed to be a citizen of the Union of Soviet Socialist Republics in so far as he does not prove that he is a foreign citizen.

4. Persons of whom both parents are citizens of the Union of Soviet Socialist Republics are deemed to be citizens of the constituent republics, and thereby of the Union of Soviet Socialist Republics, no matter where such persons were born.

Persons of whom, at the moment of their birth, one parent was a citizen of the Union of Soviet Socialist Republics are deemed to be citizens of the constituent republics, and thereby of the Union of Soviet Socialist Republics, provided that either of the parents was at that moment in the territory of the Union of Soviet Socialist Republics.

The citizenship of a person, one of whose parents was a citizen of the Union of Soviet Socialist Republics at the moment of the birth of that person, but both of whose parents were residing at that moment outside the territory of the Union of Soviet Socialist Republics, is determined by agreement between the parents. In any case, such person, when he comes of age, may acquire citizenship of the Union of Soviet Socialist Republics by a simplified form of procedure.

5. When a marriage is concluded between a person who is of Union citizenship and a person who is of foreign citizenship, each retains his or her own citizenship. Change of citizenship of such persons can take place by means of a simplified form of procedure to be laid down by Union law.

6. Change of citizenship of one of two parents who were both citizens of the Union of Soviet Socialist Republics and who reside in the territory of the Union of Soviet Socialist Republics, does not affect the citizenship of their children.

The question of the citizenship of children, when one of the parents, both of whom were citizens of the Union of Soviet Socialist Republics, but resided outside the territory of the Union, renounces citizenship of the Union of Soviet Socialist Republics, is determined by agreement between the parents.

Note 1. If the change of citizenship of the parents is such that, as a result, both parents become citizens of the Union of Soviet Socialist Republics, or, conversely, both cease to be citizens of the Union of Soviet Socialist Republics, the citizenship of children who have not reached the age of fourteen is

changed accordingly. The citizenship of children who have reached the age of fourteen is not changed when the citizenship of the parents changes.

Note 2. Persons who have ceased to be citizens of the Union of Soviet Socialist Republics owing to their parents having renounced that citizenship, have the right to acquire citizenship of the Union of Soviet Socialist Republics by means of application to the provincial (*gubernski*), regional (*oblastnoi*), or other executive committee corresponding to a provincial committee, or, in the case of autonomous republics where there is no division according to provinces, to the central executive committees of these republics.

7. The admission to citizenship of foreign citizens residing in the territory of one or other of the constituent republics is effected by the central executive committee of the constituent republic.

Note. Admission to citizenship of foreign citizens residing [in the territory of the Union] for the purpose of working at an occupation and belonging to the working class or to the class of peasants who do not utilize the labor of other persons, as also of those seeking refuge as a result of their persecution for social activity, is effected by the provincial or regional executive committees, or other committees of corresponding standing, and, in the autonomous republics where there is no division according to provinces, by the central executive committees of these republics.

8. The manner in which citizenship of the Union of Soviet Socialist Republics may be granted to persons who desire to settle in the territory of the Union of Soviet Socialist Republics as agricultural or industrial immigrants, as also the manner of admitting to citizenship of the Union of Soviet Socialist Republics repatriated persons, returned emigrants, and persons returning to the Union of Soviet Socialist Republics on the basis of agreements with foreign states, is determined by special legislation of the Union of Soviet Socialist Republics, which legislation must in this question safeguard the sovereignty of the constituent republics.

9. The admission to citizenship of foreigners residing abroad, but not coming within the terms of Article 8 of the present ordinance, is effected through the diplomatic or consular representatives abroad of the Union of Soviet Socialist Republics, or through the organs carrying out the duties of such representatives, by resolutions of the central executive committees of the constituent republics at the instance of the plenipotentiary representative of the People's Commissariat for Foreign Affairs attached to the Council of People's Commissaries of the constituent republic concerned and by resolutions of the Central Executive Committee of the Union of Soviet Socialist Republics at the instance of the People's Commissariat for Foreign Affairs.

10. Reinstatement in citizenship of persons who have lost such citizenship may be effected by resolution of the Central Executive Committee of the Union of Soviet Socialist Republics, or of the central executive committees of the constituent republics in the manner laid down in Article 9.

11. Foreign citizens admitted to citizenship of the Union of Soviet Socialist Republics do not enjoy the rights and are not under the obligation pertaining to citizenship of other states.

12. The following are deemed to have lost citizenship of the Union of Soviet Socialist Republics:

(a) Persons deprived of citizenship by legislative acts of the constituent republics before July 6, 1923, or who are deprived of citizenship on the basis of the legislation of the Union of Soviet Socialist Republics.
(b) Persons who, having left the territories of the Union of Soviet Socialist Republics, either with or without the permission of the organs of the Union of Soviet Socialist Republics or of the constituent republics, have not returned or shall fail to return at the demand of the proper authorities.
(c) Persons who have renounced citizenship of the Union of Soviet Socialist Republics in the manner prescribed by law.
(d) Persons deprived of citizenship by decision of a court of law.
(e) Persons who have opted for foreign citizenship on the basis of agreements with foreign states.

13. Renunciation of citizenship of the Union is allowed with the permission of the central executive committees of the constituent republics or of the Central Executive Committee of the Union of Soviet Socialist Republics.

LAW NO. 581, OF NOVEMBER 13, 1925[1]

[TRANSLATION]

Concerning the deprivation of citizenship of the U. S. S. R. of prisoners of war and interned persons in military services belonging to the Tsarist and Red armies who are abroad and have failed to register within the prescribed period, and also of amnestied persons who served in the White armies and those who participated in counter-revolutionary risings:

The Central Executive Committee and the Council of People's Commissaries of the U. S. S. R. decree as follows:

1. Former prisoners of war and interned persons in military service of the Tsarist and Red armies who are abroad and have failed to register within the periods prescribed by the legislation of the Union Republics, and also amnestied persons who served in the White armies and participated in counter-revolutionary risings, shall be considered to have forfeited citizenship of the U. S. S. R.

2. The persons indicated in the preceding paragraph may make application to be admitted to citizenship of the U. S. S. R. on a footing of equality with foreigners.

[1] Text from *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852.

3. Paragraph 1 of the present decree does not apply—

(a) To persons who failed to register at the proper time by reason of the absence in the country of their residence of Soviet diplomatic or consular representation, if such persons register themselves within six months after the establishment of such representation;

(b) To persons who prove that their failure to register was due to causes beyond their control (deprivation of liberty, serious illness, residence in a distant and inaccessible locality).

EL SALVADOR

EDITORS' NOTE. The Constitution of November 9, 1872 [1] provided that Spanish-Americans obtained the right to be naturalized after a year's residence in the country. Marriage of a Salvadoran woman to an alien did not deprive her of her nationality. This constitution was revised on February 16, 1880, February 4, 1883 and August 13, 1886.[2] The Constitution of 1886 is now in force.

The law of September 30, 1886 [3] provided that Salvadorans, by birth or naturalization, are those enumerated in the Constitution. A Salvadoran woman who married an alien preserved her status as a foreigner even during widowhood. If she married an alien, and did not acquire his nationality according to the laws of the country of her husband, she retained her Salvadoran nationality. Provisions were also made for naturalization. This law was modified on May 13, 1897 and April 3, 1900.[4] The latter law[5] is now in force.

BIBLIOGRAPHY: Cit. Bd. Report (1906) 499; Lehr, 174; Zeballos, 26. For comment on the Constitution of 1872, see *Bull. de lég. comp.* (1876) 286; Folleville, 627. For the text of the Constitution of 1886, in Spanish, see Carranza, *Digesto constitucional americano* (1910) 162; in German, see Keller-Trautmann, 760.

CONSTITUTION OF AUGUST 13, 1886[6]

[TRANSLATION]

TITLE III.—SALVADORANS

Article 41. Salvadorans are such either by birth or by naturalization.

Article 42. The following are Salvadorans by birth:

(1) Persons born in the territory of El Salvador, except the children of unnaturalized foreigners.

(2) The legitimate children of a foreign man and a Salvadoran woman, born in the territory of El Salvador, unless, within the year following the date on which they reach their majority, they declare before the proper Governor that they choose the nationality of the father; the legitimate children of a Salvadoran man and a foreign woman, and the illegitimate children of a Salvadoran woman and a foreign man, when they are born in El Salvador.

(3) The legitimate children of a Salvadoran man and the illegitimate children of a Salvadoran woman, born in a foreign country and not naturalized therein.

(4) The descendants born in El Salvador of children also born there of foreigners, or of a foreigner and a Salvadoran woman.

Article 43. Salvadorans by naturalization are those who have acquired this nationality in accordance with previous laws and those who may acquire it hereafter in accordance with the following rules:

[1] Folleville, 627. There had been four prior constitutions, namely those of July 24, 1824, February 18, 1841, June 24, 1859, and October 16, 1871. Zeballos, II, 26.
[2] Ibid.
[3] Cit. Bd. Report (1906) 501.
[4] Zeballos, II, 28.
[5] Post.
[6] Text from Cit. Bd. Report (1906) 499.

(1) Spanish-Americans who obtain naturalization papers from the proper departmental governor, who shall grant them on the mere proof of the good character of the applicant;

(2) Foreigners who apply for and obtain naturalization from the same authority, by proving their good character and two years' residence in El Salvador;

(3) Those who obtain naturalization papers from the legislative body;

(4) Those who have acquired naturalization in accordance with Article 48 of this Constitution.

Article 44. Central Americans who declare before the proper Governor their desire to be Salvadorans are also considered as naturalized Salvadorans.

Title IV.—Foreigners

Article 45. Foreigners shall be strictly bound to respect the authorities and to observe the laws from the moment they arrive in the territory of the republic, and they shall also acquire the right to be protected by said authorities and laws.

Article 46. Neither Salvadorans nor foreigners shall be entitled, in any case, to claim any indemnification from the government for injury caused to their persons or their property by factions, but they shall have the free right to bring their claims against the officials or private individuals who are guilty.

Article 47. Foreigners may acquire all kinds of property, but it shall not be exempt from the ordinary or special taxes which the laws may levy upon the property of Salvadorans.

Article 48. A foreigner renounces his nationality and becomes naturalized in El Salvador by accepting public employment with pay, except as a teacher or in the militia.

Article 49. No international agreement shall modify in any respect the provisions contained in this title.

Article 50. Foreigners shall be subject to a special alien law.

Title V.—Citizenship

Article 51. All Salvadorans who are eighteen years of age, and those who are married or have obtained some literary degree, although they have not reached this age, are citizens.

Article 52. The rights of citizenship are suspended for the following causes:

(1) Imprisonment in a criminal case in which release on bail is not granted;
(2) Notoriously immoral conduct;
(3) Mental derangement;
(4) Judicial interdiction;
(5) Refusal without just cause to discharge an office of popular election.

The suspension in this case shall last during the whole period that said office should have been discharged; and

(6) A judicial sentence which thus decrees.

Article 53. The following lose the rights of citizenship:

(1) Those condemned to a punishment which involves the loss of citizenship;
(2) Those condemned for a heinous crime;
(3) Those who become naturalized in a foreign country;
(4) Those who, residing in the republic, accept employment from another nation without permission from the legislature;
(5) Those who sell their vote in elections;
(6) Those who subscribe to acts or proclamations or employ other direct means promoting or favoring the reelection of the President of the republic; and
(7) Officials who, exercising public authority in a civil or military capacity, restrain the freedom of suffrage.

LAW OF APRIL 3, 1900[1]

[TRANSLATION]

CHAPTER I.—CONCERNING SALVADORANS AND ALIENS

Article 1. Salvadorans, by birth or naturalization, are those enumerated in Articles 42, 43, and 44 of the Constitution of the republic.

Article 2. The following are aliens:

(1) Those born outside of the national territory, who are subjects of foreign governments, and who have not become naturalized in El Salvador.

(2) Children of an alien father, or an alien mother and an unknown father, born in the territory of the state, until such time as, according to the law of the nationality of the father or of the mother, they shall be of age. At the expiration of the following year, unless they declare before the Governor of the department of their residence that they will adopt the nationality of their parents, they will be considered Salvadorans.

(3) Salvadoran women who shall contract marriage with an alien shall retain the status of aliens even during their widowhood. Upon dissolution of the marriage, the Salvadoran woman by birth may recover her nationality, provided that in addition to establishing her residence in the republic, she manifest before the respective Governor her desire of regaining that nationality.

The Salvadoran woman who does not acquire by marriage the nationality of her husband, according to the laws of the country of the latter, shall keep her own.

[1] Text from enclosure with Despatch No. 599, November 19, 1924, from the American Minister to El Salvador to the Secretary of State.

The change in nationality of the husband, after marriage, will effect the change of the same nationality in the case of the woman and minor children subject to the paternal power, provided that they reside in the country of the naturalization of the husband or father, respectively, save the exception established in the foregoing paragraph.

(4) Salvadorans (males) who become naturalized in another country and transfer to it their residence.

(5) Those who are officially employed by foreign governments in any political, administrative, judicial, or diplomatic capacity, without the permission of the Legislative Power, required by Article 53, number 4, of the Constitution.

Article 3. For the purpose of determining the place of birth, in the case of the foregoing articles, it is declared that national ships, without any exception, are part of the national territory, and those who are born on board of these ships shall be considered as born within the republic.

Article 4. By virtue of the right of extraterritoriality which diplomatic agents enjoy, the children of Ministers and employees of the legations of the republic, for the purposes of this law, cannot be considered as born outside of the republic.

Article 5. The nationality of artificial persons or entities is governed by the law which authorizes their formation; consequently, all those who observe the laws of the republic shall be Salvadorans, provided that in addition they have their legal domicile in the republic.

Moral alien persons enjoy in El Salvador the rights which the laws of the country of their domicile grant them, provided these laws are not contrary to the laws of the nation.

Chapter II.—Concerning Expatriation and Naturalization

Article 6. The Salvadoran Republic recognizes the right of expatriation as natural and inherent in every man, and as necessary for the enjoyment of individual liberty; consequently, for the same reason that it permits its residents to exercise that right, they being allowed to leave their territory and establish themselves within a foreign country, it also protects the right which foreigners of all nationalities have of coming to establish themselves within its jurisdiction. The republic, therefore, receives the subjects or citizens of other states, and naturalizes them according to the constitutional prescriptions and those of the present law.

Article 7. The expatriation and consequent naturalization, obtained in a foreign country, do not exempt the criminal from extradition, judgment and punishment to which he is subject, according to the treaties, international practice, and the laws of the country.

Article 8. Those who are naturalized in El Salvador, although they may be in a foreign country, have a right to the same protection of the government

of the republic as Salvadorans by birth, either as regards their persons or their property. This does not prevent them, if they return to the country of origin, from being subject to the responsibilities which they may have incurred before their naturalization, in accordance with the laws of that country.

Article 9. The Salvadoran Government will protect, by means which international law authorizes, Salvadoran citizens in a foreign country. The Executive Power, as it sees fit, will use these means provided they do not constitute acts of hostility; but if diplomatic intervention should not suffice, or these means be insufficient, or if the injuries to Salvadoran nationality should be so great that they demand measures more severe, the Executive Power will immediately inform the Legislative Power for the constitutional effects.

Article 10. The naturalization of an alien becomes ineffective by residing in the country of his origin for two years, unless it be for the purpose of discharging an official commission of the Salvadoran Government or with its permission.

Article 11. Any alien who complies with the requirements established in Article 43 of the Constitution may be naturalized in the republic; making his application in writing, and stating therein the renunciation and declaration treated of in the following article of this law.

Article 12. Every naturalization implies the renunciation of every allegiance, obedience, and fidelity to every foreign government, and especially to the one of which the person naturalized has been a subject; to every protection foreign to the laws and authorities of El Salvador, and to every right which the treaties or international law grant to aliens; and, in addition, the declaration of adherence, obedience, and allegiance to the laws and authorities of the republic.

Article 13. No letter of naturalization will be given to subjects or citizens of a nation with which the republic is in a state of war.

Article 14. Neither will it be given to those who in other countries are reputed and judicially declared pirates, traffickers in slaves, incendiaries, counterfeiters of coins, bank bills, or other papers which serve the purposes of money, neither to assassins, kidnappers and thieves. The naturalization which the alien has obtained fraudulently in violation of the law, is void of any right.

Article 15. Letters or certificates of naturalization shall be issued gratuitously, without anyone having the right to make any charge for them, under the pretext of costs, registration, seal, or any other name.

Article 16. The act of naturalization being most personal, the candidate can be represented only by a special and competent power of attorney, when the naturalization is not effected by ministration of the law; but in no case shall the power of attorney supply the want of actual residence of the alien in the republic.

Article 17. The status of a national or an alien is not transferable to third parties; consequently, neither the national may enjoy the rights of a foreigner, nor the latter the prerogatives of the former, by reason of one and the other status.

Article 18. Change of nationality does not produce a retroactive effect. The acquisition and rehabilitation of the rights of a Salvadoran do not take effect until the day following the one on which naturalization has been obtained.

Article 19. Colonists who come to the country on their own account or on that of companies or private enterprises, as well as immigrants of any kind, may be naturalized, each one in his case, according to the constitutional prescriptions. Colonists already established at the present time are also subject to said prescriptions in everything which does not conflict with the rights acquired in their contracts.

Article 20. The naturalized alien shall be a Salvadoran citizen as soon as he fulfills the conditions required by Article 51 of the Constitution, being on an equal footing in regard to his rights and obligations with Salvadorans; but he shall be ineligible for discharging those duties or offices which, according to the Constitution, require nationality by birth. . . .

SIAM

EDITORS' NOTE. Mr. Masao, acting judicial adviser to His Siamese Majesty, writing in 1906 to Mr. Westengard, acting general adviser to His Siamese Majesty, said that, "we have so far neither a law of citizenship nor a naturalization law." [1] This must be taken to mean that there were no express legislative enactments. Practice had established the following rules:[2] All Asiatics residing in Siam were considered Siamese until there was proof to the contrary. All Europeans were foreigners, even those born and established in Siam for generations. The notion of nationality was not quite familiar there. The word "nationality" in Siamese is expressed by the phrase "under the dependence of . . .," and all persons, from the Siamese point of view, were under the dependence of Siam if there was no treaty provision to the contrary. The effect of marriage on nationality was not very clear, though as a general rule the wife followed the condition of her husband. A naturalization law was passed on May 18, 1911 (No. 130). The application of this law is regulated by the decree of August 7, 1911.[3] On April 10, 1913 a nationality law was enacted,[4] which is now in force.

BIBLIOGRAPHY: Cit. Bd. Report (1906) 509; Lehr, 180; Padoux, "Condition des étrangers en Siam" Clunet (1908) 693. For comment on the decree of August 7, 1911, see *Ann. de lég. étr.* (1911) 918. For the text of the law of May 18, 1911, in English, see *Am. Jour. Int. Law Supp.* (1912) 137. For comment, see *Ann. de lég. étr.* (1911) 918. For the text of the law of April 10, 1913, in English, see 108 *Br. and For. St. Papers*, 585; in English and German, see Keller-Trautmann, 772; in French, see Clunet (1917) 795; Zeballos, 775; *Rev. de dr. int. pr.* (1913) 658.

NATURALIZATION LAW 130, OF MAY 18, 1911[5]

[TRANSLATION]

CHAPTER I.—SHORT TITLE, EXECUTION

1. This law shall be cited as the "Naturalization Law, 130."

2. The Minister for Foreign Affairs shall have charge and control of the execution of this law. He shall have power to frame regulations for such execution, more particularly to prescribe the forms of any applications or declarations and the amount of fees to be paid. These regulations, on being sanctioned by His Majesty and published in the Government Gazette, shall be deemed to be part of this law.

CHAPTER II.—CONDITIONS REQUIRED FOR NATURALIZATION

3. Any alien who complies with the conditions required by sections 6 and 7 may apply to be naturalized as a Siamese subject.

[1] Cit. Bd. Report (1906) 509.
[2] Lehr, 180, from information given by the Counsellor of the Siamese legation in Paris and the legislative adviser of the Siamese Government.
[3] *Ann. de lég. étr.* (1911) 918. [4] Post.
[5] Text from enclosure with Despatch No. 620, November 28, 1924, from the American Minister to Siam to the Secretary of State.

4. The grant or refusal of naturalization lies entirely in the discretion of the government.

5. The application shall be made in writing and shall be directed to the Minister for Foreign Affairs.

6. No naturalization may be granted unless:

(1) The applicant be of full age, both according to the Siamese law and to the law of his nationality; and
(2) The applicant be residing in Siam at the time of his application; and
(3) The applicant has resided in Siam for not less than five years; and
(4) The applicant be a person of good character and in possession of sufficient means of support.

7. The five years' residence in Siam is not required in the following cases:

(1) If the applicant has rendered services of an exceptional nature to the Siamese Government; or
(2) If the applicant was originally a Siamese subject who has been naturalized abroad with the sanction of the Siamese Government and who now desires to resume his Siamese nationality; or
(3) If the applicant is a child of an alien who was naturalized as a Siamese subject and if, at the time of the naturalization of such alien, he was of full age, both according to the Siamese law and according to the law of his nationality.

8. Naturalization may be granted only on the royal sanction being first obtained.

9. The Minister for Foreign Affairs on receiving the royal sanction and after the applicant has taken the oath of allegiance shall issue a notification (*prakat*) to the effect that the applicant has been naturalized as a Siamese subject.

10. The naturalized person shall on request be furnished with a certificate embodying the substance of the notification.

Chapter III.—Effects of Naturalization

11. From the date of publication of the notification in the Government Gazette, the naturalized person shall acquire all the rights and shall be subject to all obligations attendant upon the status of a Siamese subject.

12. The wife or wives of a naturalized person become as of right Siamese subjects.

13. Every child of a naturalized person who is not of full age at the time of the naturalization becomes as of right a Siamese subject. Provided that such child may decline Siamese nationality and resume his former nationality by making a declaration of alienage to the Minister for Foreign Affairs within one year after attaining full age.

The declarant shall be entitled to an acknowledgment of the receipt of his declaration.

14. An alien who has been naturalized in Siam shall not, while within the limits of the foreign state of which he was previously a subject, be able to take advantage of his Siamese nationality, unless by the law of that state or by any treaty concluded with it, he is permitted to take such advantage.

In like manner, a Siamese subject who has been naturalized in a foreign state shall not, while in Siam, be able to take advantage of his status as a naturalized foreign subject unless he has been naturalized with the sanction of the Siamese Government.

15. Every Siamese subject whether natural-born or naturalized, who duly ceases to be a Siamese subject and becomes the subject of a foreign state, shall lose the special rights attached to the status of a Siamese subject.

NATIONALITY LAW, APRIL 10, 1913 (BUDDHA YEAR 2456)[1]

[TRANSLATION]

By the King's Most Excellent Majesty.

Whereas it is expedient to declare a fundamental Law whereby the title of any person to be considered as a Siamese may be determined;

We have decreed and decree as follows:

1. This law shall be called the "Law on Nationality, Buddha Year 2456."

2. It shall come into force on the 10th day of the month of April, Buddha Year 2456.

3. The following persons are Siamese:

(1) Every person born to a Siamese father on Siamese territory or abroad.
(2) Every person whose mother is a Siamese and whose father is unknown.
(3) Every person born on Siamese territory.
(4) Every woman of foreign nationality who is married to a Siamese.
(5) Every alien who has acquired Siamese nationality by naturalization.

4. A Siamese woman who marries an alien loses her Siamese nationality if by his national law she has acquired the nationality of her husband.

5. Except as provided by sections 4 and 10 a Siamese cannot lose his Siamese nationality by naturalization or otherwise unless he obtains the sanction of the government.

6. The application for sanction shall be made in writing and shall be directed to the Minister for Foreign Affairs. It shall specify what foreign nationality the applicant wishes to acquire.

7. The grant or refusal of the sanction lies entirely in the discretion of the government.

[1] Text from enclosure with Despatch No. 620, November 28, 1924, from the American Minister to Siam to the Secretary of State.

8. If the sanction is granted, the Minister for Foreign Affairs shall issue a notification to that effect in the Government Gazette.

9. The applicant shall on request be furnished with a certificate embodying the substance of the notification.

10. If the foreign nationality which a Siamese has acquired with the sanction of the government extends to his wife or children, they lose Siamese nationality.

11. A Siamese woman who has acquired foreign nationality by marrying an alien resumes Siamese nationality on the dissolution of marriage.

12. The Minister for Foreign Affairs shall have charge and control of the execution of the present law. It shall be lawful for him to frame rules for such execution which rules on being sanctioned by His Majesty and published in the Government Gazette shall be deemed to be part of the present law.

SPAIN

EDITORS' NOTE. There have been many enactments in relation to nationality, naturalization, and foreigners. Some of them, although quite old, are at present in force. This is the case with the law of 1623.[1] Besides the laws now in force, there were provisions in Article 1 of the Constitution of 1837,[2] as follows: Persons born on Spanish territory acquired Spanish nationality; also those who had acquired *vecindad* (denizenship; see note 1, p. 527) in the kingdom. Children born in Spain of foreign parents and residing abroad could retain Spanish nationality by a declaration made within the year following their attaining their majority or emancipation. According to the law of July 4, 1870, which determines the status of aliens in the Spanish provinces beyond the seas, children born in the kingdom of alien parents were foreigners so long as they did not claim Spanish nationality. By the same law, a Spanish woman married to an alien lost her nationality.

Article 1 of the Constitution of 1876 provides that children born of Spanish parents are Spaniards, wherever born. The acquisition of Spanish nationality *jure sanguinis* is again provided for in the Civil Code of 1889. Article 22 declares that a married woman shares the condition of her husband. The Royal Decree of November 6, 1916 is concerned with the acquisition of Spanish citizenship by resident foreigners.

BIBLIOGRAPHY: V. Covian, "Perdida de la nacionalidad española," *Revista de legislación universal y de jurisprudencia española*, June 15, 1908; J. Trias de Bes, "La naturalización española por título de vecindad según las últimas y recientas disposiciones," *Rev. de legisl. y jur.* (1917) 289; reviewed in *Rev. de dr. int. pr.* (1917) 652; Folleville, 563; Hamburg Polizeibehörde, *Gesetze über die Staatsangehörigkeit* (1899) 311; Lehr, 76; Magnus, 114; Mauresa, *Comentarios al Codigo civil español* (5th ed., Madrid, 1924), Bk. I; L. G. Revilla, *La patria potestad y la nacionalización* (Madrid, 1906); Sieber I, 154, 346, 528; Zeballos, I, 317.

For the text of the Civil Code of 1889, in Spanish, see *Codigo civil español* (Gongora, 17th ed.) 16; in English, see Cit. Bd. Report (1906) 510; in German, see Cahn, 552; Keller-Trautmann, 773. For the text of the decree of November 6, 1916, in French, see Clunet (1917) 1134; in German, see Schwartz, 254. For the text of the decree of June 27, 1919, in Spanish, see *Diario oficial del Ministerio de la Guerra*, July 1, 1919; in English, see *Br. Parl. Papers*, Misc. No. 7 (1922), Cmd. 1771; in French, see *Rev. de dr. int. pr.* (1921) 145. For the text of the ordinance of November 25, 1919, in Spanish, see *Gaceta de Madrid*, December 22, 1919. For the text of the Royal Decree of December 20, 1924, in French, see *Ann. de lég. étr.* (1924), 159; *Rev. de dr. int. pr.* (1925) 472.

CONSTITUTION OF JUNE 30, 1876[3]

[TRANSLATION]

CHAPTER I.—SPANIARDS AND THEIR RIGHTS

Article 1. The following are Spaniards:

(1) Persons born in Spanish territory.

(2) The children of Spanish parents, although born outside Spain.

(3) Aliens who have obtained a certificate of naturalization.

[1] Post. [2] Zeballos, I, 318.

[3] Text from enclosure with Despatch No. 455, November 25, 1924, from the American Ambassador to Spain to the Secretary of State.

(4) Aliens who, without such certificate, have acquired denizenship (*vecindad*)[1] in any town (*pueblo*) in Spain.

Spanish nationality is lost by naturalization in a foreign country or by accepting employment under another government without the permission of the King.[2]

Article 2. Aliens shall have the right freely to reside in Spain, to exercise therein their industry or any profession which does not require a special license issued by the Spanish authorities in accordance with the law.

Aliens who have not been naturalized shall not be permitted to hold in Spain any office to which authority or jurisdiction attaches.[3]

LAW I OF TITLE XI, BOOK VI, DON PHILIP IV, IN MADRID IN 1623[4]

[Translation]

Permission to Catholic Foreigners Who are Friends of the Crown to Come and Follow Their Trade in These Kingdoms

We allow strangers of these kingdoms (provided they are Catholics and friends of our Crown) who wish to come to practice their trades and professions, to do so: and we order that, if they are at present engaged in some profession or trade and live twenty leagues from the land away from the ports, they be exempted forever from the foreign contribution and for a term of six years from the excise dues and ordinary and extraordinary service and also the municipal charges at the place where they may live; and that they be admitted as the other denizens (*vecinos*) of the place to the pastures and other advantages; and we direct the justices to accommodate them with houses and land if they should need them. And the other foreigners, although they be not professionals or laborers, if they have lived in these kingdoms for ten years as householders and have been married to native women for six years, that they be admitted to hold public

[1] *Vecindad* denotes residence of a permanent character in a *pueblo*, with certain rights, privileges and obligations of local citizenship which are not applicable to aliens in general. It may be translated loosely as "denizenship," but seems to have no exact equivalent in English. *Vecino* is one who has *vecindad*. As to *vecino*, see also *Novísima Recopilación*, Law III, Title XI, Book VI, March 8, 1716, post, p. 528.

[2] Mere voluntary expatriation, without acquisition of a different nationality, is not sufficient cause under our laws to bring about the loss of Spanish nationality, and, therefore, such cases of expatriation shall not be recorded in the civil registers. (Royal Order of March 15, 1900. Gazette of April 8, 1900.)

[3] According to Article 15 of the Commercial Code, aliens and companies incorporated abroad shall have the right to engage in trade in Spain in conformity with the laws of their own country, so far as concerns their legal capacity to contract; and in accordance with the provisions of this code, so far as concern the establishment of their firms in Spanish territory, their business operations and the jurisdiction of the courts of the nation. Nothing provided in this article shall be understood to conflict with special cases which may arise under particular treaties and conventions concluded with other powers.

[4] Text from *Novísima Recopilación* (Madrid, 1805) III, 165.

employment provided it be not chief magistrate, governor, mayor, magistrate, alderman, depositary, collector, city clerk, broker or other executive employment; with respect to these and the church benefits we keep in force and effect the provisions of our laws etc., etc.

LAW III, TITLE XI, BOOK VI, DON PHILIP V, MARCH 8, 1716[1]

[Translation]

Conditions that Must be Fulfilled by Foreigners so That They may be Considered as Denizens of these Kingdoms

There should be considered as a denizen (*vecino*) in the first place any foreigner who obtains the privileges of a native (*naturaleza*); he who was born in these kingdoms; he who becomes a convert to our Holy Catholic Faith; he who, living on his own resources, establishes his domicile; he who applies for and is granted denizenship (*vecindad*) in any town; he who marries a woman born in these kingdoms and has his domicile herein; and, if the wife is a foreigner that marries a native, she thereby acquires the same jurisdiction and domicile as her husband; he who settles and buys and acquires real estate and holdings; he who, having a profession, comes to stay and engage in that profession; and also in the same way he who settles and engages in mechanical employment or keeps a store in which to sell at retail (1, 2, and 3); he who has functions municipal, honorary, or of any kind that may be held by natives (*naturales*); he who has the enjoyment of pastures and advantages belonging to the denizens; he who lives ten years as a householder in these kingdoms; and likewise in all other cases where in accordance with the written law, the royal orders and laws, the foreigner acquires the privileges of a native (*naturaleza*) or denizenship (*vecindad*) and where, under the same laws, he is held to the same burdens as the natives for the legal and fundamental reason that he has a part in their advantages, all of them being in the eye of the law natives (*naturales*) and under the obligation to bear the same burdens; the difference with the transients being that the latter are exempt from municipal functions, receiving in deposit, collecting, guardianships, the custody of bread, vineyards, groves, guests, from military and militia services and others of the same kind, and finally that no one is exempt from the excise and percentage taxes; and that transients are only exempt from those dues, taxes or personal services, by which they differ from one another, and all those who have any one of the features here expressed must be declared as included (2d part of Act 22, Title 4, Book 6 R).

[1] Text from *Novísima Recopilación* (Madrid, 1805) III, 166.

ORDER OF AUGUST 14, 1841[1]

[TRANSLATION]

Order of the Regent of the Kingdom, addressed to the Governor Captain General of the Philippine Islands, concerning the conditions applicable to aliens who wish to come to the Philippine Islands.

Excellency: The Regent of the Kingdom has acquainted himself with the statement made by Your Excellency's predecessor in letter No. 31 concerning the necessity of having fixed rules set which will determine the circumstances under which and manner in which aliens may be granted permits to stay in your islands; and bearing in mind the advice given on the subject by the Chamber of Indies of the Supreme Court of Justice, His Highness has seen fit to decide:

1. That aliens who wish to go there may do so from the country of their residence or nativity, and should they intend to settle, they apply to the Governor Captain General of the said islands who, on the strength of the application, supported with papers establishing his origin, nationality, occupation, industry or wealth, and taking into consideration the advisability and advantage that the country may derive therefrom, may grant the permit or refuse it if he should on other grounds deem it injurious.

2. Aliens who see fit to send their claims to His Majesty's Government will do so through this ministry and submit the papers that establish their origin, industry, occupation or wealth with which they propose to settle in your provinces; the permit will be granted or denied according as the case may be, provided that your country and the mother country find it convenient; and it will be recommended, in order to obtain that favor, to submit a certificate of good conduct and morals given by the Consul of Spain at the place whence the party concerned comes, or that he be answered for by some firm already established and known in your provinces.

3. Foreigners already settled or who may settle there, in accordance with the provisions in the foregoing articles, may obtain denizenship (*vecindad*) in the towns of their residence in accordance with the law, and to that end will apply for the proper declaration before the Governor Captain General who will grant it or deny it as may best answer the national interests. These grants of denizenship (*vecindad*) which must be preceded by a hearing from the municipal governments concerned, shall be provisional until confirmed by the supreme government; and in order to secure such confirmation the same higher authority will report with the record in support thereof for the final solution.

[1] Text from *Colección de las leyes, decretos y declaraciones de las cortes*, XXVII (1842).

ROYAL DECREE OF NOVEMBER 17, 1852[1]

CONCERNING STATUS OF ALIENS

[TRANSLATION]

CHAPTER I.—ALIENS AND THEIR CLASSIFICATION IN SPAIN

Article 1. The following are aliens:

(1) All persons born of alien parents outside the dominions of Spain.

(2) The children of an alien father and a Spanish mother born outside the dominions of Spain, if they do not opt for Spanish nationality.

(3) Persons born on Spanish soil of alien parents, or of an alien father and a Spanish mother, if they do not claim Spanish nationality.

(4) Persons born outside the territory of Spain of parents who have lost their Spanish nationality.

(5) A Spanish woman who marries an alien.

Spanish vessels, without exception, are considered Spanish territory.

Article 2. Aliens who have been naturalized or who have acquired denizenship (*o ganado vecindad*) in conformity with the law are held to be Spaniards.

Article 3. All other persons residing in Spain who have not been naturalized nor acquired denizenship (*ni ganado vecindad*) are either resident or transient aliens.

Article 4. For legal purposes those persons who are established in a home or fixed residence or have maintained a residence for three years and possess personal or industrial property and have a means of earning a livelihood in Spanish territory, with the permission of the higher civil authority of the province, shall be considered aliens resident (*domiciliados*).

Article 5. Aliens not having a fixed residence in the kingdom in the sense set forth in the preceding article shall be considered transient aliens.

(1) This Royal Decree is not binding in any case conflicting with the provision of any international treaty antedating or postdating the decree itself, as provided in Royal Order of August 8, 1864. See the provisions cited in the footnote to Article 1 of the Law of Association.

Aliens will do well to inform themselves, in addition to the aforementioned Royal Decree, of Articles 1 and 2 of the Constitution; Articles 17 to 28 of the Civil Code, hereinafter quoted, and Article 15 of the Commercial Code; it is also advisable to consult Articles 91, 237, No. 13, 330 and 688 of the Civil Code; Articles 51, 52, 169, 474, 475 and 634 of the Commercial Code; 140 of the Penal Code; Articles 267 and 333 to 346 of the Law of Judicial Powers; Articles 51, 52, 70, 300, 534, 657, 951 to 958 of the Law of Civil Procedure; Articles 270, 280, 281, 398, 410 to 412, 424, 440, 441, 711

[1] Text from enclosure with Despatch No. 455, November 25, 1924, from the American Ambassador to Spain to the Secretary of State.

and 826 of the Law of Criminal Procedure; Articles 2, 3, 4, 60, 69, 70, 94 and 96 to 112 of the Law of Civil Register of June 17, 1870; Articles 65 to 68 of the regulations for the administration of the Law of the Civil Register, dated December 13, 1870; Articles 11 to 28 of the Municipal Law; Article 15 of the Law of Military Service, and Articles 29 to 31 of its regulations.

According to the law of December 4, 1855, which is still in force, Spanish territory is an inviolable asylum for all aliens and their property, so much so that in no convention can the extradition of fugitive aliens or aliens exiled for political offenses be stipulated. The confiscation of the property of aliens is absolutely forbidden even in case Spain be at war with the nation of which such aliens are subjects or citizens, and if a foreign government requests justly that one of its citizens or subjects resident at a frontier point be interned the Spanish Government shall have the right to intern him, provided the distance does not exceed 167 kilometers.

LAW OF JULY 4, 1870[1]

DETERMINING THE NATURE AND CONDITIONS, CIVIL AND POLITICAL, OF ALIENS IN THE SPANISH PROVINCES BEYOND THE SEAS

[TRANSLATION]

Article 1. Aliens are:

(1) All persons born of foreign parents out of Spanish territory.

(2) Those born out of Spanish territory of an alien father and a Spanish mother as long as they do not claim Spanish nationality.

(3) Those born in Spanish territory of alien parents or of an alien father and a Spanish mother as long as they do not make any such claim.

(4) The parents who have lost their nationality.

(5) Those born out of Spanish territory of parents who have lost their Spanish nationality.

(6) A Spanish woman married to an alien.

For the purpose of this article national vessels are regarded as a part of the Spanish Dominion.

Article 2. Foreigners who should secure letters of naturalization or obtain denizenship (*vecindad*) in any town of the Spanish provinces beyond the seas in accordance with the law shall be regarded as Spaniards.

Article 3. Aliens may freely enter, reside and settle in the territory of the Spanish provinces beyond the seas; they shall be divided into domiciled persons (*domiciliados*), transients (*transeuntes*) and immigrants (*emigrados*); they shall have laws and be under the obligations established by law and in addition shall be subject to all the laws and regulations that obtain in those provinces. Domiciled persons are those who have a place of business

[1] Text from *Colección legislativa de España—Segundo semestre de 1870* (Official edition).

or have been living in the province three years or are recorded in the register as domiciled persons. Transients are those as to whom none of the foregoing conditions exist. Immigrants are those who, without possessing any of the aforesaid conditions, are not entered in the book as transients and have been more than three months in the province.

Article 4. Aliens who arrive in Spanish territory beyond the seas and wish to be entered in the register as domiciled persons or transients, must show to the civil authority of the town the proper passport or paper by which they are identified, and if they should have none they will offer to the same authority a statement of identification.

Either one may be done before the proper consul, who, if this is the case, will forward to the civil authority the proper evidence in full and duly certified.

Article 5. Any alien who does not establish his identity through any one of the two methods above described shall be regarded as an immigrant three months after his arrival.

Article 6. If the requirements in Article 4 have been complied with the alien shall be given a certificate establishing the identity of his person in any part of the territory where he may go pending his inscription in the register of aliens and his being furnished with the proper ticket.

Article 7. Any alien residing in the provinces beyond the seas in order to be regarded as such in accordance with the law must be entered in the register of aliens which will be kept to that effect by the higher civil officials and in the consulate of his nation.

When there is more than one consulate of any one nation in the territory the book shall be kept by that which is in the capital and if there be none in the capital by that which may be designated by the Civil Governor.

Article 8. These books will contain:

The name, age, nature, condition and occupation of the person; whether he is a domiciled person, transient or immigrant; the place where he establishes his domicile; the kind of an establishment he opens; the family he has with him; and any other circumstances whatsoever that may serve in determining his status.

Article 9. The book in the consulate shall not work its lawful effects if it does not agree with that kept by the higher civil government.

Article 10. Entry in the book shall be upon examination of the documents which may be presented for his identification by the applicant.

In the absence of documents the applicant may produce a declaration by witnesses.

Article 11. The entry having been made in the book, the applicant shall be furnished with a cedula showing his name, age, nature, condition and profession, his quality of being domiciled person, immigrant or transient, and if any, the place of his domicile.

The said cedula shall be used by the bearer to establish his identity and to freely reside and travel all over the Spanish territory.

Article 12. The alien who should not find it convenient to go to the capital of the territory, will, through the civil authority of the town where he wishes to reside or settle, apply for his inscription in the book of aliens and will deliver for that purpose to the said authority the papers which identify him or will furnish the declaration spoken of in Article 10.

Article 13. The papers or declarations shall be delivered in the original within eight days to the Higher Civil Governor who should order the entry to be made in the register and the proper cedula issued and delivered through the same channel to the applicant. These steps shall be taken within fifteen days from the date of the receipt of the documents by the Governor.

Article 14. The declaration of witnesses, the proceedings of delivery and all other proceedings necessary for entry in the register and also the certificate provided for by Article 6 and the cedula referred to in Article 11 shall be done and performed *ex officio* and free of dues.

Article 15. For all legal purposes the domicile of an alien shall be regarded to be the town where he may have his place of business or where he lives at the end of three years of residence in the province. When he has a place of business in two or more towns he will select one of these for his domicile.

Article 16. When an alien passes from the class of immigrant to that of transient or domiciled person, or from that of transient to that of domiciled person, or when a domiciled person changes his domicile, he will give notice of the fact to the Higher Civil Governor, in person or through the local authorities, and deliver his cedula, so that the proper notes may be made in the said cedula and in the register. The time for the performance of these proceedings shall be the same as that set in Article 15 for the same purposes.

Article 17. Domicile (*domicilio*) should be applied for to the city government or local authorities of the town in which the alien proposes to settle; the motive and object and the conditions and circumstances being stated.

The applicant may appeal from the decision of the local authorities or city government to the Higher Civil Governor who will make a final decision.

Article 18. Any application for domicile shall be passed upon by the local authority or city government within fifteen days after which if there has been no decision it will be understood that domicile has been granted.

The appeal to the Higher Civil Governor from a denial of domicile shall be passed upon within one month from the day on which the recommendation is received by the Governor. If one month goes by without a decision it will be understood that the domicile has been granted and the decision from which the appeal was taken has been rescinded.

Article 19. No alien can be entered in the register of the civil government or given a statement of the place where he claims to be so domiciled without duly establishing the fact that he has been granted domicile.

Article 20. Transient aliens may reside at any place they choose.

Notwithstanding this when residents of certain place might, on account of their numbers, origin or other circumstances, endanger the friendly relations of Spain with another nation, the Governor or high authority of the province may assign them to other parts for their residence.

Article 21. Immigrants shall, while they are such, reside where they may be assigned by the Higher Civil Governor and afterwards the Spanish Government.

In the meanwhile they shall be under the surveillance of the political authority of the town where they first called, which authority will decide where they shall reside and immediately report to the Higher Civil Governor.

Article 22. Immigrants entering with arms the Spanish territory shall be immediately disarmed.

Article 23. The Higher Civil Governor, immediately reporting the facts to the government, will decide the place of residence for the immigrants, whether they are to be held in custody or receive assistance.

Article 24. Immigrants failing to identify themselves shall not be entered in the book of aliens until the requirements of the following article have been met.

In the meanwhile they will appear on a special list under such names and circumstances as they may elect. To that end the authorities before whom they may appear first will take care to forward as promptly as they can the proper report to the Higher Civil Governor.

Article 25. In the case referred to in the foregoing article the Spanish Government or in its name the Higher Civil Governor will ask the nations from which the immigrants shall have declared they came for all the information that may be needed to verify the statements made by them.

Article 26. Any immigrant shall change from that class to that of domiciled person or transient within six months after his entering the Spanish territory or earlier if he should so elect and identify himself.

Article 27. Immigrants who within six months from their entry into the Spanish territory shall not have identified themselves, about whom nothing positive shall be known in spite of the information called for as stated in Article 25, shall be entered under the statements made by themselves.

Article 28. Any immigrant who being unable to identify himself should report the facts in the statement of his name and circumstances may be expelled from Spanish territory by order of the government or of the Higher Civil Governor of the province.

Any one who should submit false papers or make a false declaration in order to identify himself may also be expelled. In this case criminal proceedings shall be taken in accordance with the law against any Spaniard who, in any way, shall be accessory to the offense.

Title 2.—The Political Condition of Aliens

Article 29. Aliens who under this law may reside in the Spanish provinces beyond the seas will have a right:

To the safety of their persons, property, domicile and correspondence in the manner established by law for Spaniards.

To meet and assemble in the houses and under the conditions that are allowed for the Spaniards and always under the proviso that the object of such meeting shall not be unfriendly to the states that are in friendly relations with Spain.

To express and publish their ideas within the law which is in force on the subject with regard to Spaniards and within restriction placed by the foregoing paragraph.

And to send petitions to the public powers and authorities in the same manner as the law provides for Spaniards.

Article 30. Any alien will have a right in Spanish territory beyond the seas to practice in public or in private any religious faith without any further limitations than those imposed by the universal rules of morality and law.

Article 31. No alien may elect or be an elector or eligible for any public office subject to popular vote.

Article 32. Neither can any alien:

Hold any office although it may be elective which may carry authority or jurisdiction.

Be given any ecclesiastic benefit.

Hold any public office among those that carry authority or jurisdiction unless he shall have entered the service of Spain with the assent of his own government or in the absence of this assent he is especially authorized to accept it by the Spanish Government.

In that last case the alien shall before entering upon the duties of the office waive the protection of his country in so far as it relates to the duties of his office.

Article 33. All those who are considered to be aliens under this law shall be held to pay the taxes of all kinds that are assessed according to the law, regulations and rates on the industry or business in which they are engaged.

The domiciled person shall also be liable to the municipal and provincial taxes and to the personal ordinary and extraordinary donations, loans and contributions.

Article 34. The real estate belonging to aliens no matter what class they belong to and although they may not reside in Spanish territory shall be liable to all taxes that bear upon the property of the same kind belonging to Spaniards.

Article 35. The aliens shall be exempt from personal communal bonds.

From this are exempted the domiciled persons with a place of business of their own who are subject to the burdens of billeting and baggage.

Article 36. Domiciled aliens will have the right to all the common facilities of the town in which they have their domicile.

Article 37. None of those, who, under this law are regarded as aliens shall be liable to military service.

Title 3.—Civil Codes of the Aliens

Article 38. Aliens may acquire and hold within the Spanish territory beyond the seas any kind of property, real or personal.

Article 39. Any alien may freely engage in the Spanish provinces beyond the seas in any kind of industry in compliance with the law there in force and engage in any profession for the exercise of which the laws do not require titles of aptitude issued by the Spanish authorities.

Article 40. Aliens may carry on trade, wholesale or retail, but subject to the commercial code and the other laws, regulations or provisions governing the matter.

The inhibitions now in existence concerning the holding of such mercantile public office by foreigners are still maintained for the present.

Article 41. Aliens shall be subject to the laws and courts of Spain for offenses committed by them within Spanish territory.

Article 42. They shall also be under the federal jurisdiction in all claims that may be presented by or against them for the performance of obligations assumed within and without Spain in favor of Spaniards or dealing with the ownership or possession of property lying in Spanish territory.

Article 43. The Spanish courts shall also have jurisdiction over and take cognizance of actions by the aliens which are brought before them and have to do with the performance of obligations assumed or to be discharged in Spain.

Article 44. In cases of an intestate alien, the judicial authority of the town where the death occurred jointly with the nearest consul of the nation to which the deceased belonged or with the person whom the consul may commission to that effect, will draw up an inventory of the property and chattels and will make the necessary arrangements to have the property held in custody and at the disposal of the heirs.

If the alien should be domiciled and should die out of his domicile the judge of the last named place to whom notice should be given by that of the place of the death, will carry out the provisions set forth in the previous paragraph concerning the property and chattels of the deceased that should happen to be there.

If there should be no consul in the town of the death or of the domicile, the judicial authorities, until the consul to whom immediate notice shall be

given or his delegate shall appear, will go no farther than to take the needed measures for the safekeeping of the property and chattels.

Article 45. Both in the case of the estates of aliens, whether or not there was a will, the Spanish courts alone can take cognizance of the claims and complaints to which the foregoing articles have reference.

Article 46. In other cases concerning or against aliens the Spanish courts shall have sole jurisdiction for the purpose of adopting urgent and provisional measures for precaution and safety.

Article 47. Aliens as such will not enjoy any special or privileged process of law and shall be subject to the same courts as according to cases take cognizance of the cases of Spaniards.

. . . . .

Title 5.—General Provisions

Article 55. The provisions of this law do not apply to foreign representatives nor to persons under such representatives as such.

Article 56. The laws and provisions heretofore in force in this matter are repealed in so far as they conflict with the provisions of this law.

Article 57. The Minister of the [Provinces] beyond the seas (*ultramar*) will draw up the regulations and issue the orders necessary for the execution of and compliance with this law.

In accordance with the Cortes this is referred to the Regent of the kingdom for its promulgation into law.

CIVIL LAWS OF 1889[1]

[Translation]

First Volume—Of Persons

Chapter I.—*Of Spaniards and Aliens*

Article 17. The following are Spaniards:

(1) Persons born in Spanish territory (see a–4).[2]

(2) The children of a Spanish father or Spanish mother, although born outside Spain.

(3) Aliens who have obtained a certificate of naturalization.

(4) Aliens who, without such certificate, have acquired a denizenship (*vecindad*) in any town (*pueblo*) of the monarchy (law of October 2, 1877, 12 to 16).

Article 18. Children, while they remain under the parental power (*patria potestad*) take the nationality of their parents.

In order that children born of alien parents in Spanish territory may enjoy

[1] Text from enclosure with Despatch No. 455, November 25, 1924, from the American Ambassador to Spain to the Secretary of State. [2] Notes at end of this document.

the benefits accruing to them under clause 1 of Article 17, it shall be incumbent upon their parents to signify in the manner and before the officials specified in Article 19 that they opt in the name of their children for Spanish nationality, renouncing all other (see b–1).

Article 19. The children of an alien born in the dominions of Spain shall signify within one year after attaining their majority or emancipation whether they desire to enjoy the rights of Spaniards granted to them by Article 17.

Persons residing in the kingdom shall make this declaration before the Civil Registrar of the place in which they reside; those residing abroad, before a diplomatic or consular officer of the Spanish Government, and those sojourning in a country in which the Spanish Government has no agent shall address themselves to the Minister of State in Spain.

Article 20. Spanish nationality is lost by naturalization in a foreign country, by accepting employment under another government, or by entering the armed service of a foreign power without the permission of the King (Constitution 1, 2; Civil Code 23).

Article 21. Any Spaniard who loses his nationality by naturalization in a foreign country may regain it by returning to the kingdom, by declaring that such is his desire before the Civil Registrar of the domicile which he may establish for the purpose of registration of the same and by renouncing the protection of the flag of that country.

Article 22. A married woman shares the condition and nationality of her husband.

A Spanish woman who marries a foreigner may, upon the termination of the marital status, recover her Spanish nationality by fulfilling the requisites set forth in the preceding article.

Article 23. A Spaniard who loses his nationality by accepting employment under another government or by entering the military service of a foreign power without the permission of the King, shall not have the right to regain his Spanish nationality without previous royal authorization (see b–2).

Article 24. A person born abroad of a Spanish father or Spanish mother who has lost his Spanish nationality by reason of the expatriation of his parents shall have the right to recover it by fulfilling the conditions required by Article 19 (Civil Code, 17 n, 1 n).

Article 25. In order that aliens who have been naturalized or acquired denizenship (*vecindad*) in any part of the monarchy may acquire Spanish nationality, they shall be obliged previously to renounce their former nationality, to swear obedience to the Constitution of the monarchy and to register as Spaniards in the Civil Register (Civil Code, 18 and 19). (See c–1.)

Article 26. Spaniards taking up a domicile (*domicilio*) in a foreign country

of which they are considered nationals by the mere fact of their residence (*residencia*) therein, shall be obliged, in order to preserve the nationality of Spain, to signify that such is their desire before a Spanish diplomatic or consular officer who shall register them as well as their wives, if they are married, and their children, if they have any, as resident Spaniards.

Article 27. Aliens shall enjoy in Spain the rights which the civil laws grant to Spaniards, except the provisions of Article 2 of the Constitution or those of international treaties (see c–2).

Article 28. Corporations, societies, or associations recognized by law and domiciled in Spain shall be entitled to Spanish nationality, provided they conform to the definition of legal persons set forth in this code.

Organizations domiciled abroad shall enjoy in Spain the consideration and rights conferred upon them by treaty or special laws (Commercial Code 15).

FOOTNOTES

(a–3) See law of June 17, 1870, Article 2, Nos. 12 to 15, and 96 *et seq.*

(a–4) A child born in Spain, whose father though also born in Spain was Portuguese, is a Spaniard pending attainment of majority and the declaration of option for the nationality of its father (Royal Order, July 23, 1881).

(b–1) Performance by an individual of the Spanish military service and his voluntary proffer to do so shall itself be considered as option for Spanish nationality in cases where option is required (Royal Order, September 9, 1887).

(b–2) Application must be made to the Ministry of the government, and to secure it, it is necessary for the interested party to renounce, before a consul of the nation whose citizenship he abandons, the flag of that nation, and the offices, honors and rights that may have been acquired therein.

The authorization remains without effect so long as the oath of fidelity to the Constitution and obedience to the law has not been taken, the foreign flag renounced and registration entered on the appropriate civil record (Royal Order, January 17, 1887). (See Article 330, Civil Code.)

(c–1) See Royal Decree, November 17, 1852.

Until Registration as a Spaniard has been made and until the provisions of this article have been complied with, he shall not have lost his status as an alien although he may have acquired denizenship (*vecindad*) and even have served as an elector and candidate without protest as well as delegate (Royal Order, April 28, 1890).

(c–2) See Convention of January 7, 1862. In conformity with Article 2 of the treaties of commerce with Belgium, Sweden and Italy of May 4, 1878; March 15, 1882, and February 26, 1888; Article 3 of those made with France and Germany, of February 6, 1882, and July 12, 1883; Article 4 of the treaties of June 3, 1880, and July 2, 1887, made with Austria and Russia respectively, nationals of the said countries enjoy in Spain all civil rights and may dispose of their property at their own pleasure, by gift, sale, exchange,

testament or any other manner. As regards Russia, it may be noted that, according to the article quoted, the liberty accorded in this regard is "while observing regulations and formalities in effect and in so far as is granted or may hereafter be granted to citizens of any other foreign power." To this article is added: "They shall have the right to acquire and to dispose of their property . . . under the same conditions as are established or may be established with regard to nationals of any other foreign power." By Article 1 of the treaty of commerce of April 26, 1886, with Great Britain, the British enjoy most-favored-nation treatment. In conformity with Article 3 of the treaty of December 28, 1836, with Mexico nationals and citizens respectively of both nations retain unquestioned and freely their right to claim and obtain justice and full satisfaction for *bona fide* debts contracted between each other: also that no legal obstacle shall be interposed by the public authorities as to rights that may be alleged arising from marriage, inheritance by will or lack of testamentary document, succession, or any other acquisitory right recognized by the laws of the country in which the claim may be made. By Article 2 of the convention of July 4, 1893, with Denmark, it is also provided that heirs shall not be liable for the payment of other or higher succession duties than are imposed on Spaniards.

Omission to register in the Register for foreigners, conformably to Royal Decree of November 17, 1852, shall not deprive the interested party of the status of foreigner, especially if he has not stated his purpose of acquiring Spanish nationality in conformity with our laws (see July 9, 1895).

ROYAL DECREE OF NOVEMBER 6, 1916[1]

[TRANSLATION]

Article 1. Proof and declaration of the acquisition of denizenship (*vecindad*) in Spain by foreigners, which constitutes one of the means of acquiring Spanish citizenship in accordance with the provisions of Article 1, section 4, of the state Constitution, and Article 17, section 4, of the Civil Code, shall be regulated hereafter by the rules and conditions fixed by the present decree.

Article 2. To acquire denizenship (*vecindad*), a continued residence (*residencia*) of ten years in Spanish territory is necessary, together with the legal status of householder.

From the date of the present decree this period will be calculated from the registration of the domicile of the foreigner in the Register of Citizenship and Civil Residence of the appropriate municipal court, drawn up in the manner fixed by Article 110 of the law of June 17, 1870, and in the Register of For-

[1] Text from enclosure with Despatch No. 459, December 2, 1924, from the American Ambassador to Spain to the Secretary of State.

eigners kept by the civil authorities in accordance with Article 9 of the Royal Decree of November 17, 1852.

The period of residence (*residencia*) enjoyed prior to this decree may be supported by a certificate of the registration of the same in any of the said registers, or, furthermore, by whatever supporting documents affirming that circumstance.

Article 3. Foreigners will likewise be considered as having acquired the said denizenship (*vecindad*), who can prove more than five years' residence (*domicilio*) in Spain in the conditions noted in the preceding article and further, may unite therewith any of the following circumstances:

(1) Having contracted matrimony with a Spanish woman.
(2) Having introduced or developed in Spain an industry or invention of importance not previously established there.
(3) Being owner or director of any agricultural, industrial, or mercantile enterprise.
(4) Having rendered signal services to the nation.

Article 4. Under no circumstances may a foreigner acquire denizenship (*vecindad*), and thereby Spanish naturalization, who is lacking in complete legal capacity under his native, national legislation, or who may be liable for military or criminal responsibility under that or any other law, for an offense that is covered by extradition, nor one who in Spain would be punishable by corporal or correctional punishment for an offense the nature of which would involve public discredit, nor, finally, such persons concerning whom, during the progress of the case, it may be proved that there are well-grounded reasons for making the declaration that denizenship (*vecindad*) has been secured for the purpose of naturalization.

Under no conditions may persons under indictment, those guilty of a second offense (*reincidentes*), absconders from justice (*rebeldes*), or those serving a sentence, apply for or secure it.

Article 5. A foreigner who, for the purpose of obtaining Spanish nationality desires to establish judicially his denizenship (*vecindad*), should take proper action in the Municipal Court of his domicile, that it may be endorsed by the proper public official, as provided in Article 102 of the law of civil registration.

For this purpose, he shall deliver to the said Court a petition signed by himself or by a representative with special power, together with the certificate of his entry as domiciled person in the civil and governmental registers above indicated, and, if necessary, the documents proving the same, as well as the following:

(1) Certificate of birth of petitioner, or a corresponding document, according to native law.
(2) Certified statement of majority, and, in case of a woman, certification of the latter and her civil status.

(3) Certificate or act of marriage and of birth of his wife if the petitioner be male and married, and for all petitioners without distinction of sex, certificate of the birth of the children who are subject to parental authority.
(4) Certificate of the consul of his country in the district, showing the petitioner to be in enjoyment of full legal rights and of being entered on the Register of Citizens of the same.
(5) Certified statement in proof that the petitioner (male) has performed his military service; has been exempted therefrom, or that the said obligation is not imposed in the country of which he is a national.
(6) Certified statement in evidence that he is not liable in his country for any criminal act subject to extradition proceedings, specifically stating, if political offenses are in question, the facts that incited them, and the penalty applicable thereto.
(7) Certificate of the central Register of Convicts and Outlaws with respect to the interested party.
(8) Certified statement of the appropriate local authority in proof of the good conduct of the interested party.

In cases of the declaration of denizenship (*vecindad*) being solicited under any of the circumstances stated in Article 4, documents justifying the said circumstances should also be filed.

The certified statements of the foreign authorities or consulates should be presented duly legalized and translated by the Interpreter's Office of the Ministry of State or by the respective consuls; and the evidence as to the different points to which the said documents relate may be furnished by a single certified statement including them all, issued by the Consulate General in Spain of the country whence the foreigner comes.

Article 6. The Municipal Judge shall take appropriate action on these documents and shall communicate it with his report to the General Board of Registry and Notarial Acts which should take cognizance of this class of affairs.

Article 7. Upon the receipt of the documents by the said Board, the Minister of Grace and Justice shall notify the Ministries of State and Government, both of which shall take such action as they find expedient. The Minister of Grace and Justice may also grant an extension of the record of the case with such data and reports that he may consider requisite, and, if he considers it expedient, he shall consult the Permanent Section of the Council of State before settling it.

Article 8. Upon the conclusion of the proceedings indicated in the preceding articles, the Minister of Grace and Justice shall announce the result thereof.

Article 9. Upon the return of the case to the Municipal Court with the royal order approving the same, and declaring denizenship (*vecindad*) secured, the Judge shall cause it to be delivered to the interested party, and

shall receive the renouncement of previous nationality and the constitutional oath required by Article 25 of the Civil Code, making the corresponding entry in the civil register of the said Court.

Article 10. Entries of this class shall comprise, over and above the circumstances required by Article 100 of the said Law of Civil Registration of June 17, 1870 and No. 66 of the Regulation, those which result from the facts embraced in the documents attached to the case and which prove that Spanish nationality has been secured.

Article 11. When these entries have been made, the respective municipal judges shall immediately transmit certified copies thereof to the General Board of Registration and Notarial Acts, which shall file them with the précis of the case to be retained by it.

The said Board shall publish every six months in the *Gaceta de Madrid* a schedule of the entries of this kind made, during the semester, in the civil registers with record of the circumstances.

Article 12. The provisions contained in Articles 12 of the Municipal Law and 15 of the Civil Code covering the means whereby Spaniards acquire the quality of denizens (*vecinos*) of a municipality, are not applicable to foreigners for the purpose of securing Spanish nationality.

Article 13. All provisions contrary to those fixed in the present decree are annulled.

ROYAL DECREE OF DECEMBER 20, 1924[1]

[Translation]

At the instance of the Acting President of the Military Directorate and in agreement therewith:

I decree the following:

Article 1. Persons of Spanish origin who are being protected as if they were Spaniards by agents of Spain abroad may file until the termination of the present period, which shall irrevocably end on December 31, 1930, the usual form of application for certificates of naturalization. In such application there shall be taken into consideration, in addition to the statements indicative of the aforementioned circumstances, such as relate to the absence of negative qualities for the attainment of the favor. When the corresponding application has been made stating that applicant is not going to establish residence (*residencia*) in Spain and furnishing at the same time the reasons that may prevent the fulfillment of the requirements in the case fixed by law, the journey to Spain to register the naturalization certificate may be waived, and then its entry in the diplomatic and consular registers shall have full effect for the entire enjoyment of Spanish nationality.

[1] Text from enclosure with Despatch No. 472, December 24, 1924, from the American Ambassador to Spain to the Secretary of State.

Article 2. Within a certain period and under conditions fixed in the foregoing article, it is purposed to clarify the sense of Article 25 of the Civil Code and to modify Article 101 of the Law of Civil Registration, in order that the declaration, renouncement and corresponding registry of persons benefitting by this decree who do not establish residence (*residencia*) in Spain may be valid when recorded in the diplomatic and consular registers.

Interested parties may take action before the nearest Agent and he shall record the act in the register of which he is in charge, sending a copy to the Head Officer of the section in order that the appropriate entry may be made in its register.

With the same end it is purposed to amplify with a sixth paragraph Article 6 of the Law of Civil Registration which enumerates the acts to be inscribed in diplomatic and consular registers.

Article 3. Upon the expiration of the period irrevocably fixed that will terminate on December 31, 1930, persons who during that time shall not have applied for naturalization papers, availing themselves of the conditions and minimum requirements mentioned in Article 1, shall cease to be considered as protected nationals whatever be the reasons alleged therefor and may not in future invoke any exception in the application of the existing provisions in regard to nationality. Diplomatic and consular authorities of Spain, upon the expiration of this period, shall, under no condition, issue any certificate relating to protection that may not be specifically recognized as valid by the countries in which this right may be authoritatively exercised.

Article 4. The measures necessary to effect the execution of this decree shall be drawn up by the Ministries of State and of Grace and Justice, and the Ministry of Government shall give exact instructions as regard the application of Article 1.

SWEDEN

EDITORS' NOTE. The law of nationality was contained in the Constitution of 1809, which was modified in 1856 and 1866. Some of the principles of these constitutions were embodied in the Royal Ordinance of February 27, 1858,[1] which provided for naturalization. Others were embodied in the law of October 1, 1894,[2] which provided for the acquisition and the loss of nationality. According to Section 1, a legitimate child of a Swedish father acquired Swedish nationality. Persons born in Sweden of foreign parents were Swedish subjects only if they were domiciled in Sweden without interruption until attaining the age of twenty-two years. Such persons could renounce Swedish nationality by a declaration. Section 3 enacted that an alien woman who married a Swedish subject acquired his nationality; and according to Section 6, a Swedish woman who married an alien lost her nationality. This law provided also for naturalization. The law of May 7, 1909[3] added a paragraph to Article 8 of the law of October 1, 1894, so as to give effect to certain treaty provisions in regard to nationality, and also modified paragraph 2.

The ordinances of February 27, 1858 and October 1, 1894 were repealed by the law of May 23, 1924 respecting the acquisition and the loss of Swedish citizenship. The enforcement of this last law was regulated by Royal Decree No. 525, of December 19, 1924,[4] which repeals Decree No. 63, of August 6, 1894, concerning reports regarding naturalized Swedish subjects. Further regulations regarding the law of May 23, 1924 were enacted by Royal Decrees No. 526, of December 19, 1924, and No. 527, of the same date.[4]

BIBLIOGRAPHY: Cit. Bd. Report (1906), 512; Folleville, 598; Lehr, 184; Magnus, 106; V. Staël Holstein, "La nationalité, son acquisition et sa perte d'après les nouvelles lois scandinaves," *Rev. de dr. int. pr.* (1925) 676; Zeballos, I, 489.

For comment on the law of February 27, 1858, see *Ann. de lég. étr.* (1895) 766, Note 1; Clunet (1880) 437. For the text of the ordinance of February 27, 1878, in French, see Cogordan, 525. For the text of the law of October 1, 1894, in French, see *Ann. de lég. étr.* (1895) 765. For comment on the law of May 7, 1909, see *Ann. de lég. étr.* (1909) 421. For the text of the law of May 23, 1924, in Swedish, see *Juristtdnings Lagsamling* (1924) 15; in English, see *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, p. 73; in French, see *Ann. de lég. étr.* (1924) 446; Clunet (1925) 1192; *Rev. de dr. int. et de lég. comp.* 3d Series, VI (1925) 682; *Rev. de dr. int. pr.* (1924) 446. For comment, see K. J. Ekman, *Lag om förwärvande och förlust av Svenskt medborgerskap den 23 maj 1924, jämte därav förenledda ändrade bestämmelser angaende kyrkobokföringen* (Stockholm, 1925); G. Forssius, "La nouvelle législation en matière de nationalité dans les pays scandinaves, et notamment en Suède," *Rev. de dr. int. pr.* (1924) 443. For text of Royal Decree No. 525, December 19, 1924, in English, see *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, p. 77.

LAW NO. 130, OF MAY 23, 1924[5]

RESPECTING THE ACQUISITION AND THE LOSS OF CITIZENSHIP

[TRANSLATION]

Article 1. Swedish citizenship shall be acquired by reason of birth by any child born in wedlock whose father is a Swedish citizen, and also by any child born out of wedlock whose mother is a Swedish citizen.

[1] Cogordan, 525. [2] Cit. Bd. Report (1906) 513. [3] *Rev. de dr. int. pr.* (1912) 859. [4] Post. [5] Text from enclosure with despatch No. 320, December 4, 1924 from the American Chargé d'Affaires ad interim at Stockholm to the Secretary of State.

Any foundling that has been come upon within the boundaries of the Kingdom of Sweden, shall be deemed a Swedish citizen, until the contrary be discovered to be the case.

Article 2. An alien man or alien unmarried woman who was born in Sweden and has been uninterruptedly domiciled there, shall become a Swedish citizen on attaining the age of twenty-two years.

What is laid down in the preceding sentence shall not be applicable to a person who during the course of the preceding year has formally renounced in writing the right to become a Swedish citizen and has at the same time also produced the proper documentary evidence to prove that he or she is the citizen of some other country. The liberty, however, of making such a renunciation as is mentioned above shall not be open to anyone whose father, or in the case of a child born out of wedlock whose mother, has availed himself or herself of the said liberty.

A renunciation in writing of the nature referred to in the preceding section of this paragraph shall be handed in at the offices of the Governor of Stockholm (*Överstathallarämbeted*), if the person in question be domiciled in Stockholm, and if elsewhere, at the offices of the Governor of the administrative area (*Län*) within which the person is domiciled. It shall be incumbent upon the authority with whom the said written renunciation is lodged to give it consideration and to pronounce a verdict upon it.

Article 3. An alien woman who marries a Swedish citizen shall by virtue of her marriage also become a Swedish citizen.

If the married couple have had a child previously to their marriage, such child shall also become a Swedish citizen, provided that he or she be unmarried and have not yet attained the age of twenty-one years.

Article 4. Any natural-born Swede who has lost Swedish citizenship without becoming naturalized in another country, shall recover Swedish citizenship by becoming domiciled in Sweden.

Any natural-born Swede who has become naturalized in another country shall be entitled to recover Swedish citizenship by divesting himself or herself of citizenship in the foreign country and then becoming domiciled in Sweden, or else by forfeiting citizenship in the foreign country while resident in Sweden.

Article 5. The King shall have the right, upon application being made to that end, to confer Swedish citizenship upon any alien who:

(1) has attained the age of twenty-one years,
(2) has been domiciled in Sweden for the preceding five years,
(3) is known to be upright in ways and dealings, and
(4) has the means of making a living for himself, or herself, and family.

Should it be judged that the conferment of Swedish citizenship upon a particular applicant will be to the advantage of the country, or should the

applicant have previously been a Swedish citizen, or should there otherwise exist with respect to the applicant's circumstances any special reasons in favor of his or her being admitted to Swedish citizenship, then Swedish citizenship may be accorded him or her irrespective of conditions (1) and (2) laid down in this paragraph.

If, pursuant to the laws of the country to which the applicant has hitherto belonged, he or she does not by becoming naturalized in Sweden cease *eo ipso* to be a citizen of that country, but is under the necessity of making appeal to the government or to some other authority in the said country, in order to be relieved of citizenship there, it shall be a condition precedent to the applicant's acquirement of Swedish citizenship, that, supposing the application shall have been approved and the applicant have not as yet produced evidence to show that the said appeal has been made and granted, he or she shall produce such evidence within a certain prescribed time and shall lay it before the particular local executive authority that the King may appoint (the Governor of Stockholm City or of some *Län*). The authority in question shall be bound to carry out the necessary inquiry as to whether the requisite evidence has been furnished and to pronounce a verdict in regard thereto. Should the applicant not be able to furnish the evidence required, as above stated, Swedish citizenship may nevertheless be conferred upon him or her by the King, should there be special reasons in favour thereof.

Article 6. When an alien man becomes a Swedish citizen in accordance with the terms of either 2 or 4 above, it shall follow as a corollary that Swedish citizenship is also acquired by his wife and by his children, if born in wedlock and unmarried and less than twenty-one years of age, provided they are domiciled in Sweden. If they are not so domiciled, they shall only acquire Swedish citizenship, supposing as regards the wife that she becomes domiciled in Sweden while her marriage still remains undissolved, and as regards a child that it becomes domiciled in Sweden while he or she is still unmarried and under twenty-one years of age and while the father is still alive, all provided the husband and father is still a Swedish citizen himself.

What has been stated above in this paragraph shall not bear application either as respects any child who as a consequence of nullity-of-marriage or divorce proceedings has been assigned to its mother's care, or, while judicial separation obtains, as respects the wife and any child that has been entrusted to her care.

If, on making application in accordance with 5, an alien man has been accorded Swedish citizenship, it shall follow as a corollary, unless a decision to the contrary has been made at the time, that his wife becomes a Swedish citizen and also any child of theirs, if born in wedlock and unmarried and under twenty-one years of age. Unless special reasons otherwise prescribe,

an opportunity shall be afforded to the wife to make a declaration with respect to the question.

Article 7. What has been laid down in 6 as regards a child born in wedlock acquiring Swedish citizenship along with its father, shall be applicable correspondingly:

(1) in the case of a child born out of wedlock and its mother, unless the father is an alien and has charge of the child,
(2) in the case of a child born in wedlock and its mother, when the mother is a widow, and
(3) in the case of a child born in wedlock and its mother, when the mother's marriage has been dissolved or when she has been judicially separated from her husband, provided the child is under its mother's care.

Article 8. Swedish citizenship shall be lost by anyone who becomes a citizen of another country by naturalization or by marriage or by any other mode and who is, or subsequent to acquiring the new citizenship, becomes domiciled there. Swedish citizenship shall be lost irrespective of place of domicile by any unmarried child of less than twenty-one years who by reason of the marriage of its parents becomes a citizen of some foreign country.

Article 9. A Swedish man or a Swedish unmarried woman who was born outside the confines of Sweden and has never been domiciled in Sweden, shall lose Swedish citizenship on attaining the age of twenty-two years, unless the King has previously accorded his sanction to an application made for Swedish citizenship to be retained. As respects domicile in Sweden, a full equivalent thereto for the purposes of this Act shall be deemed to be a sojourn in Sweden for the purpose of discharging military duty or attending a course of instruction of some Swedish educational establishment, or under circumstances of any other kind that point to community with Sweden.

The loss of Swedish citizenship entailed on a Swedish man pursuant to this paragraph shall carry with it the loss of Swedish citizenship for his wife too and for his lawfully begotten children. What has been said shall also be correspondingly applicable in the case of a Swedish woman and her child or children born out of wedlock.

Article 10. For anyone who already is, or who desires to become, a citizen of some foreign country and is consequently anxious to divest himself or herself of Swedish citizenship, the mode of procedure is to make application therefor to the King. Should such application be approved, it shall be an obligation upon the applicant, if he or she be not already a citizen of a foreign country, to have acquired citizenship in a foreign country within a certain prescribed period.

Article 11. Should a person desire to obtain a declaration to the effect

that he or she is a Swedish citizen, an application may be made to the King therefor. The King shall have the right of issuing such a declaration after first hearing the opinion of the Supreme Administrative Court (*Regeringsrätten*).

Article 12. Detailed stipulations with respect to the application spoken of above, in 5, and to the investigation requisite for the due consideration of such application, shall be laid down by the King; and likewise any prescriptions that may otherwise be found necessary for the due carrying out in practice of the articles of this Act.

Prescriptions of a Temporary Character

Article 13. Any person who, owing to stipulation 7 of the law of October 1, 1894 concerning the acquirement and the loss of Swedish citizenship, has lost the said citizenship, shall be entitled to recover it, provided that he or she have not acquired citizenship in any other country, and also provided that the conditions precedent for the loss of Swedish citizenship as laid down in 9 of this present Act are not either existent; such recovery of Swedish citizenship shall be effected by the person's notifying in writing, in accordance with such further regulations as the King shall prescribe, to a Swedish legation or a Swedish consulate, his or her wish to become a Swedish citizen again.

Swedish citizenship shall also be recoverable, on application in the manner above described and upon the same conditions as are there laid down, by any woman who is a natural-born Swede, but, pursuant to the enactment in 6 of the law of October 1, 1894, has lost Swedish citizenship owing to her marriage to a person not a Swedish citizen.

Any one of the persons indicated in what has been said above in this paragraph shall likewise be able to recover his or her Swedish citizenship by becoming domiciled in the realm of Sweden, even though that may not follow from the enactment in the first section of Article 4.

No application such as is spoken of above in this paragraph shall have legal validity if it is made by anyone who has not completed his or her twenty-first year.

In respect to any person who becomes a Swedish citizen pursuant to this paragraph, the stipulations shall have force that are laid down in 6, sections 1 and 2, and in 7, for the cases there in view; if however Swedish citizenship be recovered as a result of an application to some Swedish authority located abroad, the condition as to domicile in Sweden that is laid down for wife and children shall not hold good.

Article 14. For any such person as is indicated in the first section of 9, and who attains the age of twenty-two years during the period 1925–1927, the loss of Swedish citizenship pursuant to the stipulations laid down in 9 shall not take effect until the close of the year 1927.

Article 15. This Act shall come into force on January 1, 1925, from and after which date the following enactments shall cease to be valid, viz. (a) the ordinance of February 27, 1858 regarding the procedure and the conditions for the admission of a foreigner to Swedish citizenship, and (b) the law of October 1, 1894, concerning the acquirement and the loss of Swedish citizenship.

Should there in any treaty that Sweden has entered into with another state—the said treaty being still valid at the date when this Act comes into force—be any stipulation that is at variance with the enactments of this Act, the stipulation in question shall hold good.

ROYAL DECREE NO. 525, OF DECEMBER 19, 1924[1]

PROVIDING REGULATIONS FOR APPLICATION FOR CITIZENSHIP

[TRANSLATION]

In consequence of the provisions of Article 12 in Law No. 130, of May 23, 1924, on the acquisition and loss of citizenship, the King has decreed as follows:

Article 1. The application of an alien for Swedish citizenship should be addressed to the King. If the applicant is residing in Sweden, the application should be delivered or sent to the County Board in the province where he is residing.

Article 2. If the applicant is a married man, and where no special reasons give cause for other action, a written statement by the wife of the applicant is to be attached to the application.

Article 3. The application is to be accompanied by documents certifying as to age, place of birth, civil occupation, citizenship, religion, and the parish in Sweden where the applicant is registered in the Church records. Similar documents should be submitted concerning the wife of the applicant and unmarried children born in wedlock under twenty-one years of age.

If the applicant is a female, such certificate shall be appended also with respect to any unmarried children under the age of twenty-one born out of wedlock.

Article 4. Applications should be accompanied by statements covering:

The date when the applicant came to reside in Sweden;

The place or places in Sweden where the applicant has resided, and the period of residence in each place;

The occupation or activities of the applicant during his stay in Sweden;

The ability of the applicant to support himself and his family;

[1] Text from enclosure with Despatch No. 360, January 24, 1925, from the American Minister to Sweden to the Secretary of State.

The applicant's fulfillment of tax obligations to state and commune; and
His knowledge of the Swedish language.

If the applicant does not desire to acquire Swedish citizenship for his wife or children, who would otherwise acquire it simultaneously with him, a statement as to the reasons for such exclusion should be submitted; for example, that the wife or children are residing outside of Sweden or that the man and wife, due to divorce or other cause, do not live together.

Article 5. For guidance in making such applications mentioned in paragraphs 3 and 4, forms are to be issued by the County Boards in accordance with the attached sample.

Article 6. If the application is not accompanied by complete data, as provided for in Articles 3 and 4, or if the County Board finds further information necessary, it may either instruct the applicant to submit the necessary information within a certain period of time, or else obtain it through the police. The County Board is further to procure the necessary information bearing on both the morals of the applicant and his family during their stay in Sweden and on any other circumstances which may affect the examination of the case.

After the case has been investigated or after the period within which the applicant was to submit information has expired without the desired data being submitted, the County Board is to send the documents to the Department of Justice together with its own report.

Article 7. When the application for citizenship has been passed upon, the County Board in the province where the applicant is residing is to be informed thereof by the Department of Justice; if the application has been granted, a copy of the resolution is to be sent to the applicant.

If the applicant has been accepted as a Swedish citizen without any reservations, the County Board is to send a certified copy of the resolution without delay to the pastor or parish head of the parish in Sweden to which the applicant belongs; in the cities of Stockholm and Göteborg, to the alderman of the ward or to the tax-collector.

It is the duty of these authorities to make the necessary record of the acquisition of Swedish citizenship by the applicant, his wife and children.

If the applicant has been granted Swedish citizenship on condition that he prove to the County Board within a certain time that he has been released from his foreign citizenship, the above-mentioned action of the County Board is not to take place until the applicant has complied with such conditions. The County Board is to make a note of the fulfillment of conditions upon the applicant's copy of the resolution and upon the copies which are to be sent to the above mentioned authorities. The County Board is to inform the Department of Justice when the conditions have been complied with.

This decree comes into force on January 1, 1925, when Decree No. 63, of

August 6, 1894, concerning reports in regard to aliens who have acquired Swedish citizenship, expires.

ROYAL DECREE OF DECEMBER 19, 1924[1]

PROVIDING CERTAIN REGULATIONS REGARDING THE LAW OF MAY 23, 1924

[TRANSLATION]

On the basis of Article 12 in the law of May 23, 1924, on the acquisition and loss of Swedish citizenship, the King has found fit to decree as follows:

Article 1. In making a renunciation according to Article 2 in the law of May 23, 1924, on the acquisition and loss of Swedish citizenship, the person who desires to make this renunciation shall send a declaration to the authority where the renunciation is to take place stating the parish in Sweden to which he belongs.

If the renunciation mentioned above has been accepted, the authority where it has been made shall inform the competent pastor and, in Stockholm or in Göteborg, the alderman of the ward or the tax-collector.

Article 2. In making the applications referred to in Articles 9, 10 or 11 in the above-mentioned law, the applicant shall send a statement to the Department of Justice giving the name of the parish in Sweden where he is registered.

Should the application be accepted, the Department of Justice shall send a certified copy of the King's decision on the application both to the pastor of the parish mentioned above and, in Stockholm and in Göteborg, to the alderman of the ward or to the competent tax-collector.

This decree shall become effective on January 1, 1925.

ROYAL DECREE OF DECEMBER 19, 1924[1]

CONTAINING CERTAIN CHANGES IN DECREE NO. 476, OF DECEMBER 3, 1915

[TRANSLATION]

In connection with Law No. 130, of May 23, 1924, concerning the acquisition and loss of Swedish citizenship, the King has found fit to decree that the articles mentioned below and the regulations in the decree of December 3, 1915, concerning Church records, shall be revised as follows:

Article 37. . . . (3) If information is required to ascertain the nationality of a certain person concerning whom records are to be made in the marriage register, the pastor has the right to request information of this kind from the Central Statistical Bureau.

[1] Text from enclosure with Despatch No. 360, of January 24, 1925, from the American Minister to Sweden to the Secretary of State.

(4) If the wife or children of any person who has been naturalized or has acquired Swedish citizenship in any other manner or lost such citizenship, should be registered in a parish other than that where the person in question is registered, the pastor in the latter parish, if aware of the place where the wife or children are registered and if their nationality is changed, shall inform the pastor in the parish to which the wife or children belong in order to enable him to make the necessary record in the registers of that parish.

Article 44.—(1) In doubtful cases ..... handled in the case.

(a) If there is any doubt as to the nationality of a person who desires to be registered in the Church records as a Swedish citizen, the pastor is to refer him to the King, where he is to ask for a declaration to the effect that he or she is a Swedish citizen as referred to in Article 11 of the law of May 23, 1924, on the acquisition and loss of Swedish citizenship.

V. *Regulations for Church records and extracts from the Parish Register*

A. The Parish records .....

Column 14. In this column .....

..... Bavaria, etc.

The granting of Swedish citizenship to a foreign subject is to be noted in this column. Notation is also to be made there

(1) after report thereof has been received, of a decision whereby, in accordance with Articles 2, 9, 10, or 11, of the law of May 23, 1924, concerning acquisition and loss of Swedish citizenship, renunciation of the right to become a Swedish citizen is approved, or a request for retention of Swedish citizenship is granted, or anyone is released from Swedish citizenship, or declared to be a Swedish citizen, or has made application to a Swedish legation or consulate for recovery of Swedish citizenship, in regard to which reference is made in Article 13 of said law.

(2) when such is confirmed by the party concerned or the pastor otherwise receives reliable information thereof, a circumstance whereby, in accordance with the provisions of said law, anyone without a special decision handed down in regard thereto, acquires, retains, or loses Swedish citizenship.

Notes concerning ..... or requisite.

H. *Extract from the Parish Register—Certificate of removal from one parish to another for (Form A) a single person*

.....

On the fifth and sixth lines the name of the person moving shall be written in full. On the same lines the profession of the person shall be given and in Column 1 and 2 particulars concerning the nationality and other pertinent

circumstances which Column 14 of the register may contain concerning him.

However ..... profession be given.

.....

This decree shall come into effect on January 1, 1925.

For the attention of all whom this may concern. In witness whereof We have this day hereunto set our hand and seal.

SWITZERLAND

EDITORS' NOTE. The Constitution of 1848[1] left the determination of Swiss nationality to the cantons. One who became a citizen of one of the cantons acquired Swiss nationality automatically. In the Constitution of 1874[2] this provision is maintained and it is further enacted that the conditions for naturalization will be determined by federal legislation. These conditions were determined by the federal law of July 3, 1876,[3] which determined also the condition under which a Swiss citizen could renounce his nationality. The conditions in regard to naturalization were modified by the ordinance of October 21, 1880.[4] The Constitution of 1874 was amended on May 20, 1928 by changing Article 44.[5]

The circular of March 23, 1899[6] facilitated naturalization. The law of June 25, 1903 deals with the acquisition of Swiss citizenship. The Swiss Civil Code of December 10, 1907, contains provisions relating to the nationality of married women and of minor children. Article 2 of this law was modified by the law of June 26, 1920. The circular of January 27, 1920 [7] was concerned with the nationality of children of naturalized Swiss citizens from Alsace-Lorraine.

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For the text of the Constitution of May 29, 1874, in English, see Vincent, *Government in Switzerland* (1913) 305; in French, see Clunet (1918) 890; in German, see *Recueil des Constitutions fédérale et cantonales* (1910), 19; Franchiger, *Der Schweizerische Bundesstaat* (1922), 312; in Italian, see *Recueil des Constitutions fédérale et cantonales*, 118. For the text of the law of July 3, 1876, in French, see 67 *Br. and For. St. Papers*, 585. For comment, A. Estoppey, *La naturalisation et la renonciation à la nationalité d'après la législation suisse* (Lausanne, 1888); Im Hof, "Die Erteilung des Schweizerbürgerrechts an ausländer nach dem Bundesgesetze vom 3 Juli 1876," 42 *Zeitschrift fur Schw. Recht*, 421; *Rev. de dr. int. et de lég. comp.* (1880) 317. For text and comment see *Bull. de lég. comp.* (1878) 400; Clunet (1876) 506. For the text of the circular of January 27, 1891, in French, see Clunet (1893) 653. For the text of the circular of March 23, 1899, in French, see Clunet (1899) 1098; *Feuille féd.*, April

[1] Zeballos, I, 491. [2] Post. [3] Cogordan, 526. [4] *Ann. de lég. étr.* (1881) 443.
[5] *Recueil officiel des lois et ordonnances de la Confédération suisse*, Vol. 44, p. 77819.
[6] Clunet (1893) 653. [7] *Rev. de dr. int. pr.* (1921) 586.

5, 1899. For the text of the law of June 25, 1903, in French, see 113 *Br. and For. St. Papers*, 1184; in French, see *Ann. de lég. étr.* (1903) 429; *Feuille féd.* (1903) III, 939; Clunet (1904) 481; in English, see *Br. Parl. Papers*, Misc. No. 7 (1922), Cmd. 1771, p. 34. For comment, see *Ann. de lég. étr.* (1903) 419, 427. Clunet (1926), 1114; Keller-Trautmann, 767. For the text of the order of February 23, 1917, in French, see Clunet (1918) 904; *Rev. de dr. int. pr.* (1917) 446. For the text of the circular of January 27, 1920, in French, see *Rev. de dr. int. pr.* (1921) 420. For the text of the law of June 26, 1920, in French, see 113 *Br. and For. St. Papers*, 1187; in French, see *Ann. de lég. étr.* (1920) 168; Clunet (1921) 341; Schwartz, 253; in English, see *Br. Parl. Papers*, Misc. No. 7 (1922), Cmd. 1771, p. 38. For comment, see *Ann. de lég. étr.* (1920) 168. For the text of the circular of April 30, 1924, in French, see *Feuille féd.* (1924) II, 24. For comment, see *Rev. de dr. int. pr.* (1925) 585.

FEDERAL CONSTITUTION OF MAY 29, 1874[1]

AS AMENDED ON MAY 20, 1928[2]

[TRANSLATION]

Article 43, paragraph 1. Every citizen of a canton is a Swiss citizen.

Article 44.[3] No Swiss can be expelled from the territory of the Confederation or from his canton of origin.

Federal legislation determines the regulations applicable to the acquisition or the loss of Swiss nationality.

Federal legislation can rule that a child born of foreign parents has Swiss nationality after its birth, when the mother was of Swiss origin through her parents, and when the parents of the child are living in Switzerland when the child is born. The child acquires the right of citizenship in its mother's city of origin.

Federal legislation establishes the principle governing the recovery of citizenship.

Persons incorporated by virtue of the present regulations enjoy the same rights as other citizens; they have, however, no right to lands or benefits (*bien*) which are fundamentally bourgeois or belonging to the corporation, unless the cantonal legislation provides otherwise. The Confederation assumes at least half of the expenses caused to the cantons and communes by the assistance of persons incorporated at the time of their birth, up to their eighteenth year. The same is true in the case of the recovery of the rights of citizenship during the ten years which follow such recovery of rights.

Federal legislation determines cases in which the Confederation participates in the expenses of the cantons and communes for the assistance of naturalised *heimatlose* (persons without nationality).

[1] Text from George Sauser-Hall, *La nationalité en droit suisse* (Berne, 1921).

[2] Text from enclosure with Despatch No. 1045, August 23, 1929, from the American Minister to Switzerland to the Secretary of State.

[3] As amended on May 20, 1928. The law anticipated by this article, and which is meant to replace the law of June 25, 1903, is not yet formulated.

Article 54, paragraph 4. A wife acquires through her marriage the citizenship and burghership (*droit de cité et de bourgeoisie*) of her husband.

FEDERAL DECREE OF JUNE 25, 1903[1]

CONCERNING THE ACQUISITION OF CITIZENSHIP AND RELINQUISHMENT OF SAME

[TRANSLATION]

The Federal Assembly of the Swiss Confederation in execution of Article 44 of the Federal Constitution, after examination of a message of the Federal Government of March 20, 1901, decrees:

I. ACQUISITION OF SWISS CITIZENSHIP

Article 1. When a foreigner wishes to acquire Swiss citizenship he must apply to the Federal Government for permission to acquire community and cantonal citizenship.

In cases where the right of Swiss citizenship is bestowed upon a foreigner gratuitously the cantonal government must apply to the Federal Government for permission to grant same.

Article 2.[2] This permission will be granted only to such applicants as can prove that they have regularly resided for two years in Switzerland immediately before making the application.

The Federal Government furthermore examines the connections of the applicant with his country of origin, as well as his other personal and family circumstances. The permission can be refused if these connections or circumstances are of such nature that the naturalization of such applicants would be disadvantageous to the Confederation.

Article 3. The granting of the rights of citizenship applies also to the wife and children of the applicant if, according to the laws of the native country, they are under his marital or parental authority and if no specific exception is made in the permission of the Federal Government.

Article 4. The conferring of the rights of community or cantonal citizenship upon foreigners without previous permission from the Federal Government is invalid.

The rights of Swiss citizenship are only attained when in addition to the permission of the Federal Council the rights of community and cantonal citizenship have been secured according to the regulations of the different cantonal legislations.

The authorization of the Federal Government expires if the holder of same does not acquire the rights of community and cantonal citizenship within three years after the issuance of the authorization.

[1] Text from enclosure with Despatch of May 10, 1924, from the American Consul at Lucerne to the Secretary of State. [2] Amended by Article I, Act of 1920, post, p. 561.

Article 5. The cantons are entitled to legislate that children born in the canton of foreign parents living in the canton legally become cantonal citizens and thereby Swiss citizens without authority of the Federal Government:

(a) if the mother is of Swiss origin, or
(b) if the parents at the time of the birth of the child have lived uninterruptedly in the canton for at least five years.

The canton should reserve the right of option.

Article 6. Persons who hold beside the rights of Swiss citizenship those of a foreign state and as long as they live in the state in question have no claim to the rights and protection of a Swiss citizen.

II. Relinquishment of Swiss Citizenship

Article 7. A Swiss citizen may relinquish his citizen's rights in so far as:

(a) he has no residence in Switzerland,
(b) he has legal capacity according to the laws of the country in which he lives,
(c) the rights of citizenship of another state for himself, his wife and children—according to the last paragraph of Article 9—have been accorded him.

Article 8. The declaration of relinquishment must be sent in writing, accompanied by the necessary proofs, to the cantonal government, who will advise the authorities of the native community, this advice to serve for any other interested parties, reservation being made for a maximum term of four weeks during which claims must be filed.

Cases of disputes as to whether a relinquishment of Swiss citizenship is permissible will be judged by the Federal Government according to the procedure prescribed for decisions founded on constitutional law, according to the federal law re the organization of the federal administration of justice of March 22, 1893.

Article 9. When the conditions mentioned in Article 7 are fulfilled and if no protest has been filed or if same has been refused, the municipal authorities—who according to cantonal law are authorized to do so—declare the person discharged from the ties of cantonal and municipal citizenship.

The discharge, which includes also the loss of the rights of Swiss citizenship, follows upon the receipt of the deed of discharge by the person to whom it was sent.

The discharge covers the wife and children, in so far as they are under the marital and parental control of the person relinquishing his citizenship and unless express exceptions are made.

III. Resumption of Swiss Citizenship

Article 10. The Federal Council, after examination of the native community, may grant to the following persons, free of charge, resumption of

their former community and cantonal citizenship, if such persons have a residence in Switzerland:

(a) the widow or separated or divorced wife of a Swiss citizen, who has relinquished his rights of Swiss citizenship, as well as the children of such, who at the time of relinquishment were minors, provided that the widow or separated or divorced wife apply for same within ten years after the divorce or separation and the children within the same period after they have reached the age of twenty years.
(b) the widow and divorced or separated wife who lost her Swiss citizenship through her marriage, in so far as she applies for renaturalization within ten years after the divorce or separation.
(c) such persons as were forced through special circumstances to relinquish the rights of Swiss citizenship in so far as they make the necessary application within ten years after their return to Switzerland.

In cases such as (a) (b) and (c) the children who, according to the law of their country of origin, are still minors or under guardianship, are accepted with the mother or parents if the mother exercises parental control over the children or their guardian is in agreement and no express exceptions are made in regard to them.

IV. Chancery Fees

Article 11. The Chancery of the Confederation assesses a fee of fr. 20 for the execution of the permission to acquire the rights of community and cantonal citizenship.

In the following cases the persons in question may be released from this fee:

(a) resumption of rights of Swiss citizenship.
(b) when applicant was born in Switzerland and has lived at least ten years in Switzerland.
(c) When a cantonal government requests the permission for a foreigner to whom the rights of citizenship are to be granted gratuitously (Article 1, paragraph 2).

V. Annulment

Article 12. The Federal Council may declare the permission to acquire community or cantonal citizenship granted to a foreign person as being null and void during five years after the acquirement of the rights of cantonal citizenship if it is ascertained that the conditions provided for by law for the granting of this permission have not been fulfilled.

The annulment of the permission brings about the annulment of the community and cantonal citizenship, the granting of which was based on this permission.

Should it be ascertained that the rights of citizenship were acquired fraudulently the Federal Council can at any time declare these rights as being null and void according to Article 5.

The same right is reserved for the cantons.

VI. Final Regulations

Article 13. A respite of two years for applications for renaturalization is granted to the persons mentioned under Article 10 (b) if the ten years mentioned in this article should have already passed at the time this article comes into force.

Article 14. The cantonal regulations as per Article 5 must have the approval of the Federal Council before coming into force.

Article 15. The federal law of July 3, 1876, as to naturalization, and also all provisions of federal and cantonal laws contrary to the present law are abrogated.

Article 16. The Federal Council, according to the regulations of the federal law of June 17, 1874, re plebiscitum in regard to federal laws and decisions, has been commissioned to make this law known and to decide upon the date when same will come into force.

CIVIL CODE OF DECEMBER 10, 1907[1]

[Translation]

Article 22. The origin of a person is determined by the citizenship. The citizenship is regulated by common law. When a person holds several citizenships, the place of origin is that which is at the same time his present or was his last domicile; else his origin is determined by the last citizenship acquired by him or his ascendants.

Article 161, paragraph 1. The wife bears the name and acquires the citizenship of her husband.

Article 270. Legitimate children bear the name and acquire the citizenship of the father.

Article 324, paragraph 1. Natural children who are kept by the mother bear her family name, acquire her citizenship and have as to her and her parents the rights and duties flowing from illegitimate filiation.

Article 325, paragraph 1. A child whose filiation on the father's side grows out of an acknowledgment or of a judgment declaring paternity bears the family name of the father, acquires his citizenship and has in the families of both the father and mother the rights and duties flowing from the illegitimate filiation.

[1] Text from G. Sauser-Hall, *La nationalité en droit suisse* (Berne, 1921).

Article 422, figure 2. The consent of the supervising authorities after a previous decision of the guardianship authority is needed: . . .

2. To acquire or renounce a citizenship.

FEDERAL LAW OF JUNE 26, 1920[1]

CONCERNING ALTERATION OF ARTICLE 2 OF THE FEDERAL LAW OF JUNE 25, 1903 RE ACQUIRING THE RIGHTS OF SWISS CITIZENSHIP AND RELINQUISHMENT OF SAME

[TRANSLATION]

The Federal Assembly of the Swiss Confederation, in execution of Article 44 of the Federal Constitution and after examination of a message of the Federal Council of June 28, 1919, decrees:

Article 1. Article 2 of the federal law of June 25, 1903 re the acquiring of the right of Swiss citizenship and relinquishment of same has the following drafting:

Permission is only granted to such applicants as during the last twelve years before the application was made have really resided in Switzerland for at least six years according to a permit of sojourn or domiciliation issued by the competent authorities.

Aliens who were born in Switzerland and have resided there for at least ten years during the first twenty years of their lives, may obtain the authorization after a residence of three years during the five years which precede their request.

In each case the applicant must have lived continuously in Switzerland the last two years before he made the application.

The Federal Council also examines the connections of the applicant with his country of origin, as well as his other personal and family circumstances. Permission may be refused if these conditions are such as would render the naturalization of the person in question disadvantageous to the Confederation.

Article 2. The law applies also to the applications for naturalization already in suspense at the time it passes into law, in so far as an exception is not justified for special reasons.

Article 3. The Federal Council will care for the execution of this law and will decide upon the date upon which same will come into force.

Berne, June 26, 1920.

The Swiss Federal Council decrees that the above federal law published on July 7, 1920 must be included in the Federal Code of Laws and will come into force on October 15, 1920.

[1] Text from enclosure with Despatch of May 10, 1924, from the American Consul at Lucerne to the Secretary of State.

INSTRUCTION OF FEBRUARY 1923[1]

CONCERNING ACQUIRING OF THE PERMISSION OF THE FEDERAL COUNCIL FOR NATURALIZATION IN SWITZERLAND AS WELL AS APPLICATION FOR RE-NATURALIZATION (FEDERAL LAW OF JUNE 25, 1903 AND JUNE 26, 1920)

[TRANSLATION]

A. NATURALIZATION

Article 1. *Application.* The foreigner desirous of acquiring the right of Swiss citizenship must apply to the Federal Council for the permission to acquire the right to cantonal and community citizenship. For this purpose the applicant must make use of a form which may be obtained from the Interior Political Department of the Political Department. The rubrics of this form must carefully be filled out with indication of the exact particulars (especially name and date of birth) of the applicant, his wife and his minor children.

The petition must give information as to whether the wife and children live conjointly with the applicant. Reasons must be given in the case of irregular circumstances.

Article 2. *Documents.* The following documents must be enclosed with the application:

(a) Birth certificate of the applicant and, in a given case, the birth certificate of the wife, the marriage certificate, the death certificate of deceased husband, as well as the birth certificates of the children. (In place of the documents shown under (a) a family book or family certificate issued by the competent authorities may be presented in so far as the necessary legalized indications are contained therein.)

(b) Draft or legalized copy of the judgment pronounced if the applicant is divorced or separated.

(c) A passport, a certificate of citizenship or similar identification issued by the competent authorities concerning the nationality of the applicant and his family.

(d) The necessary identification concerning residence (see Article 4).

(e) A certificate of good conduct issued by the competent authorities at the residence of the applicant, this certificate to include the wife of the applicant and the minor children over eighteen years of age who will be covered by the naturalization; in the case that the children live in another community they must produce a separate certificate of good conduct.

(f) An extract of the Penal Register of the native state of the applicant in so far as the applicant has not lived continually in Switzerland since his sixteenth year or if he is not yet sixteen years of age. If the applicant claims that he is not in a position to produce such an extract the truth of his statement must be proven.

[1] Text from enclosure with Despatch of May 10, 1924, from the American Consul at Lucerne to the Secretary of State.

(g) Applicants who came to Switzerland during the war and were of an age liable to military service and who never formerly lived in Switzerland must present their military papers and must make a declaration as to their military circumstances (this may be made on the application form).

Article 3. *Minors.* Minors who are to be naturalized without their parents must present a legalized declaration of agreement from the person who has the right of parental control or guardianship over them or must sign the application conjointly with this person. In cases of minors under sixteen years of age the application must not be signed by the applicant himself but by the person who possesses the right of parental control or guardianship.

Minors the majority of whom has been declared must produce a copy of the deed in which their majority is declared.

The personal majority of foreigners depends upon the law of the state to which they belong.

Majority commences after the end of the eighteenth year in Malta; twentieth year in Japan; twenty-first year in Belgium, Bulgaria, Denmark, Germany, France, Greece, Great Britain, Italy, Luxembourg, in the Principality of Monaco, in Montenegro, Netherlands, Norway, Austria, Poland, Portugal, Rumania, Russia, Sweden, in the Serbian-Croatian-Slovene- as well as the Czechoslovakian State, in Turkey, United States of America, Brazil, Peru and Mexico; twenty-second year in the Argentine Republic; twenty-third year in Spain; twenty-fourth year in Hungary and Liechtenstein; twenty-fifth year in Bolivia, Chile and Salvador.

Article 4. *Proof of residence.* The applicant must produce a certificate of domicile from the competent authorities of the place of his residence which covers also his wife and his children who are more than 18 years of age; in cases where they live in a different community to the applicant they must produce a separate certificate of domicile.

Moreover the applicant must prove that during the last twelve years before applying he has lived for at least six years in Switzerland. A foreigner born in Switzerland who, up to the end of the twentieth year, has lived at least ten years in Switzerland can obtain the permission in so far as he can prove that during the last five years before making application he resided at least three years in Switzerland. In any event the applicant must bring the proof that during the two years preceding the date of the application he has resided uninterruptedly in Switzerland.

Residence in different places must be proved by official certificates from which appear that the sojourn or domiciliation of the applicant was authorized by the competent authorities.

An applicant born in Switzerland may submit proof that up to the end of his twentieth year he resided in Switzerland for at least ten years by

producing his school certificates, certificates of educational institutions etc. Absences of over one month and short absences which regularly recur must be indicated and the federal authorities, taking into consideration the circumstances, then decide whether the domiciliation condition may be considered as fulfilled. Children who permanently reside abroad are excluded from the permission.

Article 5. *Authorization.* If the application is not signed by the applicant personally but by a trustee, the latter must identify himself by an authorization.

Article 6. *Translation.* Each deed executed in a language other than German, French or Italian must be accompanied by a reliable translation in one of these three languages.

Article 7. *Fees.* A fee of fr. 20 is assessed for the execution of the permission to acquire the rights of Swiss citizenship. Minor brothers and sisters who make a conjoint application and obtain a conjoint deed of permit pay the fee once only. The fee is dispensed with in the case of the applicant having been born and having lived at least ten years in Switzerland as well as in the case where the cantonal government requests permission for a foreigner to whom the rights of Swiss citizenship are to be granted gratuitously.

Article 8. *Connections of applicant to his country of origin.* The circumstance that the applicant is still liable to active military service in his native country is no obstacle why the rights of Swiss citizenship should not be granted to him. The Federal Council, however, has the right to examine each single case and to grant or to refuse the permission according to the circumstances.

In general, attention is drawn to the fact that foreigners who become naturalized in Switzerland without having been dismissed from their country of origin remain subject to military service in their country of origin in spite of the fact that they have become Swiss citizens and that they are liable to military service in Switzerland. When returning to their country of origin these persons are in danger of being punished on account of breach of obligation to serve in the army. They alone are responsible for such consequences; the Federal Council can not protect them in this respect.

The following remarks should be noted in the case of French and Italian citizens: Upon his naturalization in Switzerland a Frenchman is released from any further military obligation in France in so far as he has already been transferred from the *armée active* to the *armée territoriale*. If at the time of his naturalization he belongs to the *armée active* he is only released from his French nationality and obligation to serve in the French army if he obtains the express authorization of the French Government to acquire the rights of foreign citizenship; if he becomes naturalized without this authorization the naturalized person and his children retain their French nationality and the

person in question as well as his sons remain liable to military service in France.

An Italian naturalized in Switzerland remains liable to military service in his country of origin; on the other hand the sons covered by his naturalization have the right to request that their names be cancelled on the register of the Italian Military Supervision.

A minor Frenchman or Italian naturalized in Switzerland with authorization of his guardian or his parents (without the latter being naturalized) retains his French or Italian nationality, as, according to French and Italian law, a minor can not forfeit his nationality in this manner.

Article 9. *Option.* The judicial attitude concerning minor children of French parents who have been naturalized in Switzerland is ruled by the Swiss-French agreement of July 23, 1879, Article 1 of which reads:

> The minor children of French parents naturalized in Switzerland have the right of option between Swiss and French nationality during their twenty-second year. They are considered as French citizens up to the period when they decide for Swiss nationality.

In Switzerland and France the option is declared before the Chief of the community of residence, in other states before the diplomatic or consular representatives of Switzerland or France.

The children of a divorced or legally separated French woman who, during the lifetime of her husband, acquired the rights of Swiss citizenship have no right of option; they retain their French nationality but become naturalized with the mother without having the right of option.

The same applies to children of a French father who at the time of his naturalization belonged to the *armée active* and became naturalized without permission of the French Government.

B. Renaturalization of Women Formerly Swiss

Article 10. *Application.* Women who have applied for gratuitous renaturalization according to Article 10 (b) of the law must use a form obtainable from the Interior Political Department which, according to Article 1 of this regulation, must carefully be filled out.

Article 11. *Documents.* The application must be accompanied by the documents indicated in Article 2, a–c, of this instruction.

Should the applicant be divorced or legally separated she must present the decision. If she was married several times she must present the different marriage certificates and divorce papers if she has been divorced.

The applicant must present a certificate of domiciliation and of good conduct issued by the competent authorities of the place where she resides, which certificates should cover also her minor children over eighteen years of age who are to be naturalized with her; should such children live in another

community they must bring a special certificate of domiciliation and good conduct.

It is advisable to indicate in the application where, and how long in each place applicant has lived since her birth, in spite of the fact that the law does not provide for a certain length of sojourn in Switzerland.

In so far as the former Swiss communal citizenship of the applicant is not shown by the registration documents produced, she must produce a proof of same.

Children who continuously reside abroad are exempted from the naturalization.

Article 12. *Authorization, Translations.* The regulations of Articles 5 and 6 of this instruction concerning authorizations and translations of documents apply also to renaturalization.

Article 13. *Option.* The regulations contained in Article 9 of this regulation concerning option of children of French parents apply also to children who acquire the rights of Swiss citizenship by reason of renaturalization of their mother.

Article 14. *Term.* Special attention is drawn to the fact that, according to Article 10, paragraph b, of the law, the application of a woman formerly Swiss can only be taken into consideration if same be made within ten years after divorce or separation.

TURKEY

EDITORS' NOTE. Prior to the law of January 19, 1869,[1] nationality was based upon religion.[2] A foreigner could not acquire Turkish nationality unless he had embraced the Mohammedan religion. Before 1869, naturalization abroad terminated nationality.[3] This law is explained by a circular of March 26, 1869.[4] By an order of July 17, 1869,[5] a committee was created in the Ministry of Foreign Affairs to deal with questions of nationality. There are certain nationality provisions in Article 88 of the Constitution of May 24, 1924. The recent law which came into effect on January 1, 1929, provides (Article 15) that "with the exception of the provisions of Law No. 104, of May 23, 1927, all provisions contrary to this law are null and void."

Article 7 of the convention concerning the exchange of population, concluded between Turkey and Greece on January 30, 1923 [6] provides that "emigrants" will lose the nationality of the country which they are leaving and will acquire the nationality of the country of their destination, upon their arrival in the territory of the latter.

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For the text of the law of January 19, 1869, in English, see 67 *Br. and For. St. Papers*, 1251; Cit. Bd. Report (1906) 525; in French, see Aristarchi Bey, *Législation ottomane*, I, 17; Arminjon, *Étrangers et protégés dans l'Empire ottoman*, App. 330; Clunet (1889) 896; Cogordan, 532; in German, see Hamburg Polizeibehörde, *Gesetze über die Staatsangehörigkeit* (1898) 331; For comment, see Lehr, 215; Schwartz, 130. For the text of the circular of March 26, 1869, in French, see 70 *Br. and For. St. Papers*, 720. For the text of the circular of May 4/16, 1870, in English, see 76 *Br. and For. St. Papers*, 594. For comment on the law of April 3, 1917, see *Ann. de lég. étr.* (1919) 262. For the text of the Constitution of 1924, in

[1] Post. [2] E. R. Salem, "De la nationalité en Turquie," Clunet (1905) 585.
[3] 3 Moore, *Digest*, 680–81. [4] 70 *Br. and For. St. Papers*, 720. [5] Cogordan, 533.
[6] *Br. Treaty Series*, No. 16 (1923), Cmd. 1929.

English, see *Br. Parl. Papers.* Misc. No. 2 (1927), Cmd. 2852, p. 89; in French, see *Ann. de lég. étr.* (1924) 148; in German, see Schwartz, 130. For the text of the law of May 23, 1927, in English, see *Br. Parl. Papers*, Misc. No. 7 (1928), Cmd. 3226, p. 38; of May 28, 1928, id. 34; in Italian, see *Riv. di dir. int.* (1929) 556.

CONSTITUTION, MAY 24, 1924[1]

[TRANSLATION]

Article 88. From the point of view of citizenship, the people of Turkey are called Turks without distinction of religion or race. Every child born in Turkey or abroad of a Turkish father, or who, born in Turkey of a foreign father living in Turkey, lives in the country, and, on reaching its majority, opts officially for the quality of Turk, or is accepted as a Turk in accordance with the law on citizenship, is a Turk. The quality of Turk is lost in the circumstances fixed by law.

LAW OF NATIONALITY OF JANUARY 19, 1869[2]

[TRANSLATION]

Article 1. Persons born at a time when their parents or only father are of Ottoman nationality are considered Ottoman subjects.

Article 2. Any person born in the imperial dominions (Ottoman Empire) at a time when his (or her) parents are of foreign nationality can, by right, within three years, beginning with the date of his (or her) majority, claim Ottoman nationality.

Article 3. A foreigner of age who has lived in the Ottoman Empire consecutively for five years can obtain Ottoman nationality by submitting personally, or through intermediary, a petition to the Department of Foreign Affairs.

Article 4. The Imperial Ottoman Government extraordinarily receives into its allegiance foreigners as well whom it considers to be worthy of an exceptional favor, even should they not have fulfilled the condition prescribed in the preceding article.

Article 5. Persons who, being authorized, enter from Ottoman into a foreign nationality are, from the date when they changed their nationality, considered as foreign subjects and treated as such. But if he (or she) should enter into a foreign nationality without being authorized by the Imperial Ottoman Government his (or her) new nationality shall be considered as null and void, and he (or she) shall be considered as an Ottoman subject as before, and in every matter he (or she) shall be treated exactly as Ottoman subjects are treated. In any case, the abandonment by an Ottoman subject

[1] Text from *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852.
[2] Text from Cit. Bd. Report (1906) 525.

of his (or her) nationality depends on an instrument to be granted in virtue of an imperial irade.

Article 6. If the Ottoman Empire should so wish it can reject from its subjection the person who, without authorization from the Imperial Ottoman Government, changes his nationality in a foreign country, or enters into the military service of a foreign government. The return into the imperial dominions (the Ottoman Empire) of persons of this category whose nationality has been rejected is forbidden.

Article 7. The woman who, while an Ottoman subject, marries a foreigner may return to her original nationality if, within three years following the date of her husband's death, she petitions for it. The provision of this article applies to the person. The matter of ownership of mulk and arasi property is subject to the general laws and regulations.

Article 8. A child, even if he should be minor, of an Ottoman subject who has been naturalized abroad or has lost his nationality does not follow the condition of his father but remains an Ottoman subject. A child, even if he should be minor, of an alien who has been naturalized in Turkey does not follow the condition of his father and remains an alien.

Article 9. Every person inhabiting the imperial dominions is considered as an Ottoman subject and treated as an Ottoman subject. If he (or she) is a foreign subject it is necessary for him (or her) to prove it in a regular manner.

LAW NO. 1041, OF MAY 23, 1927[1]

[Translation]

Forfeiture of the Turkish Nationality by Ottoman Subjects Who Do Not Meet the Requirements

Article 1. The Council of Ministers is empowered to declare that Ottoman subjects who during the War of Independence took no part in the National movement, kept out of Turkey and did not return from July 24, 1923 to the date of the publication of this law, have forfeited the Turkish nationality.

This provision does not affect those who elected the Turkish nationality under the treaties in force.

Article 2. The law will go into operation on and after the date of its publication.

Article 3. The Ministers of Foreign Affairs and of the Interior are charged with the duty of executing this law.

[1] Text from Official Journal, No. 598, of May 31, 1927.

LAW OF MAY 28, 1928[1]

[TRANSLATION]

Article 1. Children born in Turkey or abroad of a Turkish father or a Turkish mother are Turkish citizens.

Article 2. The following children are Turkish citizens:

(a) Children born in Turkey of unknown parents.
(b) Children born in Turkey of parents without nationality or of a parent without nationality.
(c) Children born out of wedlock in Turkey or abroad and whose father or mother are Turks.

Article 3. Those domiciled in Turkey and born in Turkey of an alien father and an alien mother may make a petition for Turkish citizenship within three years after attaining their majority according to Turkish law and acquire such citizenship by decision of the Council of Ministers.

Article 4. A child born in Turkey of an alien born in Turkey after January 1, 1929, is a Turk. Such persons may acquire by option the citizenship of their father or that of their mother within six months after attaining majority according to Turkish law. In such cases the provisions of Article 8 will be applied to them. Children of foreign ambassadors, and officers and attachés of embassies and children of *consuls de carrière* and consular officials who are nationals of the state to which they belong (owe allegiance) are not affected by the provisions of this article.[2]

Article 5. A foreigner who has resided in Turkey for five consecutive years and who according to the laws of his country has attained majority may request Turkish citizenship and be granted it by the Council of Ministers. Minors become Turkish citizens by virtue of dependence upon their father or widowed mother.

Article 6. Foreigners who have not fulfilled the condition of residence stipulated in the foregoing article, but who are considered as meriting special consideration, may as an exception be granted Turkish citizenship by decision of the Council of Ministers.

Article 7. The surrender of Turkish citizenship is dependent upon the obtaining of a special authorization. Such authorization may be granted by the Council of Ministers upon an application to the Ministry of the Interior of the person desirous of abandoning Turkish citizenship. Authorization shall not be granted to those who have not performed their military service.

Article 8. Turks who have obtained special authorization to adopt for-

[1] Text from enclosure with Despatch No. 333, June 6, 1928, from the American Ambassador to Turkey to the Secretary of State.

[2] Amended on April 6, 1929, post, p. 572.

eign citizenship are required to leave Turkey within the period of a year from the date of this authorization, to transfer their domicile and center of business outside of Turkey, and to liquidate their property. Those who fail to leave Turkey and liquidate their property within this period shall be expelled and the liquidation of their property effected by the government. Should such persons desire to return to Turkey the Council of Ministers may upon the report of the consulate to which the application has been made grant them such a permit for one time only and for a period not more than three months.

Article 9. Turks who adopt foreign citizenship of their own accord without obtaining a special permit or those who voluntarily perform military service in the army of a foreign country may be deprived of their citizenship by decision of the Council of Ministers.

Article 10. Turks who, having entered a non-military service of a foreign state, fail to leave this service within a period to be determined if so ordered by the local authorities or by Turkish embassies and consulates abroad, and those who continue to serve without authorization a state at war with Turkey are liable to be deprived of their Turkish citizenship.

The government may deprive of their citizenship Turks who during the period of mobilization fail without excuse to respond to an official summons to be communicated to them through regular channels for the performance of their obligatory military service; those who desert while en route to their unit or after joining their unit, and fail to return within the period specified by law and are unable to refute the belief to the effect that they have fled to a foreign country; holders of military ranks and persons belonging to the army or liable to military service who, having gone abroad on leave of absence for reasons of health or on duty, fail to return without excuse after the expiration of the time allowed and thus come under the category of deserters; and those Turks who, residing abroad, fail to register with the Turkish consulates for a period exceeding five years.

Article 11. The Council of Ministers may deprive of their Turkish citizenship those ex-aliens who have been granted Turkish citizenship and who:

(a) indulge in activities and acts prejudicial to the internal and external security of the Turkish Republic, or
(b) refuse to perform the obligations imposed by the laws on military service.

Article 12. Those who are deprived of their Turkish citizenship shall be expelled if they are in Turkey. The return to Turkey of all persons deprived of their Turkish citizenship is prohibited. Their property is subject to liquidation by the government.

Article 13. Alien women married to Turks become Turkish citizens. Turkish women married to aliens remain Turks. The marriage of an alien

woman to a Turk does not affect the citizenship of children born to her in a previous marriage with an alien. However, should their father not be alive minors follow the citizenship of their mother.

Former alien women who have changed their citizenship by marriage possess the right of recovering their original citizenship within a period of three years from the date of separation due to the termination of the status of marriage for any reason whatsoever. However, such women desirous of recovering their alien citizenship are required to transfer their domicile abroad if they have no child born to them in a marriage with a Turk.

Article 14. Turks who have adopted foreign citizenship with a special authorization of the government may, upon their application and by decision of the Council of Ministers, recover their Turkish citizenship without being subject to the condition of residence. The children of those who have adopted foreign citizenship with authorization and of those deprived of their Turkish citizenship in accordance with this law may, without being subject to the condition of residence, request Turkish citizenship and be granted it by decision of the Council of Ministers.

Article 15. With the exception of the provisions of Law No. 1041, of May 23, 1927, all provisions contrary to this law are null and void.

Article 16. This law goes into effect on January 1, 1929.

Article 17. The Council of Ministers is entrusted with the application of this law.

LAW OF APRIL 6, 1929[1]

AMENDING ARTICLE 4 OF THE LAW OF MAY 28, 1928

[TRANSLATION]

Article 4. A child born in Turkey of an alien born in Turkey after January 1, 1929, is a Turk. Such persons may acquire by option the citizenship of their father or mother within six months after attaining majority according to Turkish law. In such cases the provisions of Article 8 will be applied to them.

[1] Text from Despatch No. 723, April 24, 1929, from the American Ambassador to Turkey to the Secretary of State.

UNITED STATES OF AMERICA

EDITORS' NOTE. The Act of March 26, 1790, c. 3,[1] passed, in pursuance of the provision of Article I, Section 8 of the Constitution, authorizing the Congress "to establish an uniform rule of naturalization," provided that "the children of citizens of the United States, that may be born beyond sea, or out of the limits of the United States, shall be considered as natural-born citizens: Provided, That the right of citizenship shall not descend to persons whose fathers have never been resident in the United States." It also provided for the naturalization of a "free white person" who had resided in the United States two years. This Act was repealed by that of January 29, 1795, c. 20,[2] which raised the period of residence required for naturalization to five years. The Act of June 18, 1798, raised the period of residence to fourteen years.[3] The Act of April 14, 1802, c. 28,[4] which repealed all previous acts respecting naturalization, maintained the principle in regard to children born abroad of American citizens, but limited its application to the children of persons who then were or had been citizens of the United States. This Act restored the five-year period of residence for naturalization. It was supplemented by an Act of March 26, 1804, c. 47.[5]

The effect of the marriage of an alien woman to an American citizen on her nationality was legislatively determined for the first time by the Act of February 10, 1855,[6] which amended that of April 14, 1802.

The nationality of persons born in the United States was not prescribed by statute [7] until the passage of the Act of April 9, 1866,[8] which provided that "All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States." [9]

An Act of Congress of July 14, 1870 provided "that the naturalization laws are hereby extended to aliens of African nativity and to persons of African descent." [10]

The Fourteenth Amendment to the Constitution, ratified in 1868, provides that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." [11]

Naturalization is now regulated by the Act of June 29, 1906, as amended by various other acts.[12] The Act of March 2, 1907,[6] contains provisions (Section 2) concerning expatriation. It also provided (Sections 3 and 4) for the nationality of married women. The Act of May 9, 1918, prohibited the naturalization of nationals of countries with which the United States

[1] 1 Stat. 103. [2] Id. 414. [3] Id. 566.

[4] 2 id. 153. The history of legislation concerning naturalization is fully covered in Moore's *Digest of International Law*, III, 327. See also Report of the Commission on Naturalization, House Document, No. 46, 59th Congress, 1st Session, 1905 (Government Printing Office, Washington) and Historical Sketch of Naturalization in the United States, Bureau of Naturalization, U. S. Department of Labor (Washington, 1926).

[5] 2 Stat. 292. [6] Post.

[7] See Opinion of Attorney General Black, 9 *Ops. Atty. Gen.* 373. Opinion of Attorney General Bates, 10 *Ops. Atty. Gen.* 382.

[8] 14 Stat. 27.

[9] The courts had previously held, however, that birth within the territory and jurisdiction of the United States conferred citizenship of the United States, under the common law, regardless of the nationality of the parents; *Lynch* v. *Clarke*, 1 Sandf. 583.

[10] 16 Stat. 256.

[11] The statutory and constitutional provisions just mentioned have the same meaning and intent. See *Wong. Kim Ark* v. *U. S.*, 169 U. S. 649, which contains a statement of nationality at birth, under the common law.

[12] Post. The Act of June 29, 1906, furthermore established a Bureau of Immigration and Naturalization which by the Act of March 4, 1913, c. 141, par. 3, 37 Stat. 734, was put under the direction of the Secretary of Labor.

was at war, except upon certain conditions. Naturalization and citizenship of married women is dealt with in the Act of September 22, 1922, which repeals Sections 3 and 4 of the Act of March 2, 1907.

With regard to the nationality of inhabitants of territories annexed to the United States, see 3 Moore, *Digest*, 311–27; Van Dyne, *Law of Naturalization of the United States* (Washington, 1907), ch. iv, pp. 265–332.

There has been no legislation by the United States Congress concerning the nationality of inhabitants of Alaska,[1] Canal Zone,[2] Guam and Samoa.

For a recent collection of the nationality laws of the United States, see *Naturalization, Citizenship, and Expatriation Laws—Naturalization Regulations* (Government Printing Office, Department of Labor, Washington, 1929).

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[1] As to the status of Alaska, see *Rasmussen* v. *United States*, 197 U. S. 517. For the treaty of March 30, 1867 between the United States and Russia by which Alaska was ceded to the United States, see post, p. 578.

[2] As to the status of the Canal Zone, see paragraph 12 of the Act of Congress of August 24, 1912, 37 Stat. 569.

holds Madam Schwimmer, Pacifist, Ineligible to Naturalization," *Am. Jour. Int. Law* (1929) 626; Hazard, "'Attachment to the Principles of the Constitution' as Judicially Construed in Certain Naturalization Cases in the United States," *Am. Jour. Int. Law* (1929) 783. Hereshoff-Barttlet and Chessex, "Les effets du mariage sur la nationalité de la femme, principalement d'après le Common Law aux Etats-Unis," Clunet (1910) 498; G. Hunt, *American Passport* (Washington, 1898); W. C. Hunter, "Naturalization" (in wartime), 17 *Mich. Law Rev.* 43; C. C. Hyde, "The Non-Recognition and Expatriation of Naturalized American Citizens," *Am. Jour. Int. Law* (1925) 742; P. C. Jessup, "Some Phases of the Administrative Interpretation of the Immigration Act of 1924," 35 *Yale Law Jour.* 721; Nationalization (of Indians), *Jour. of Soc. of Comp. Leg.* (1926) 240; Keller-Trautmann, 783; J. H. Latané, Diplomatic Protection Abroad and Naturalization, Address, *Proc. Am. Soc. Int. Law* (1910) 85; E. Lehr, *La Nationalité*, 80; E. Lehr, "De la nationalité et de la naturalisation d'après la législation actuelle des Etats-Unis d'Amérique," *Rev. de dr. int. et de lég. comp.* 2d series, IX (1907) 356; Magnus, 130; J. M. Maguire, "Naturalization of Aliens," 32 *Harvard Law Rev.* 160; J. M. Maguire, "Suffrage and Married Women's Nationality," *Am. Law Rev.* (1920) 641, reviewed in *Rev. de dr. int. pr.* (1921) 313; G. A. Malcolm, "Whether Filipinos Are Aliens, Subjects, or Citizens," 14 *Mich. Law Rev.* 544; D. O. McGovney, "American Citizenship," 11 *Col. Law Rev.* 231, 326; "Qualifications of Aliens for Naturalization," 8 *Mich. Law Rev.* 42; "Expatriation Resulting from Marriage to Alien Husband," Note, 14 *Mich. Law Rev.* 233; "Who Is an Alien Enemy," Note, 16 *Mich. Law Rev.* 256; "Denial of right of naturalization," 22 *Mich. Law Rev.* 152, 603; R. C. Minor, Citizenship of the United States, *Proc. Am. Soc. Int. Law* (1910) 65; J. B. Moore, *Digest of International Law*, Vol. III, chap. X; A. P. Morse, *Treatise on Citizenship* (Boston, 1881); F. K. Nielsen, "Some Vexatious Questions Relating to Nationality," 20 *Col. Law Rev.* 840; A. W. Parker, "The Ineligible to Citizenship Provisions of the Immigration Act of 1924" (Children born abroad of American Parents), *Am. Jour. Int. Law* (1925) 23, 42, 43; P. Goulé, "La Nouvelle loi des Etats-Unis d'Amérique sur l'expatriation des citoyens et leur protection à l'étranger," *Rev. de dr. int. pr.* (1908) 143; C. W. Pound, "Nationals without a Nation, The New York State Tribal Indians," 22 *Col. Law Rev.* 97; J. S. Reeves, "Nationality of Married Women," *Am. Jour. Int. Law* (1923) 97; Schwartz, 103, 246; J. B. Scott, "Dual Citizenship" (son of Frenchman born in United States, son born of naturalized Italian in United States), *Am. Jour. Int. Law* (1915) 942; J. B. Scott, "The Amendment of the Naturalization and Citizenship Acts with respect to Military Service," *Am. Jour. Int. Law* (1918) 613; J. B. Scott, "Japanese and Hindu Naturalization in the United States," *Am. Jour. Int. Law* (1923) 328; Sieber, I, 132, 311, 517; E. Munroe Smith, "The Law of Nationality," *Political Science Quarterly* (1891) 738; H. Stockbridge, "The Law of Naturalization," 17 *Green Bag*, 644; T. H. Thiesing, "Dual Allegiance in the German Law of Nationality and American Citizenship," 27 *Yale Law Jour.* 479; United States Department of Labor, Historical Sketch of Naturalization in the United States (Washington, 1926); F. Van Dyne, *Citizenship of the United States* (Rochester, 1904); F. Van Dyne, *Law of Naturalization of the United States* (Washington, 1907), reviewed in *Am. Jour. Int. Law* (1907) 802; P. Webster, *Law of Citizenship in the United States, treated Historically* (Albany, 1891); W. W. Willoughby, "Citizenship and Allegiance in Constitutional and International Law," *Am. Jour. Int. Law* (1907) 914; G. G. Wilson, "Nationality and the Nineteenth Amendment," *Am. Jour. Int. Law* (1921) 65; "Citizenship of United States," Note, 5 *Yale Law Jour.* 193; "Citizenship of Children of Alien Chinese," Note, 7 *Yale Law Jour.* 366; "Naturalization, Alien wife of Alien," Note, 31 *Yale Law Jour.* 216; "Presumption of Loss of Citizenship," Note, 32 *Yale Law Jour.* 195; "American-born Chinese woman marrying Chinese Citizen," 35 *Yale Law Jour.* 626; Zeballos, I, 689.

For the text of the law of June 29, 1906, in French, see *Rev. de dr. int. pr.* (1907) 305, 461. For comment, see G. L. Köfering, "Erwerb und Verlust des Bunder-und Staatsangehörigkeit in den Vereinigten Staaten von Nordamerika nach Erlassung da Bundesges. v. 29. 6.06,"

Blütter für adm. Praxis (1907), No. 3–4. For the text of the Act of March 2, 1907, in French, see Clunet (1917) 774. For comment, see *Am. Jour. Int. Law* (1907) 458. For comment on the Act of February 24, 1911, see *Ann. de lég. étr.* (1911) 814. For comment on the Act of May 9, 1918, see *Ann. de lég. étr.* (1918) 368. For the text of the Act of September 22, 1922 in French, see *Ann. de lég. étr.* (1922) 458; Clunet (1923) 446; *Rev. de dr. int. pr.* (1922–23) 508.

CONSTITUTION OF 1789

Article I

Section 8. The Congress shall have Power . . .
To establish an uniform Rule of Naturalization, . . .

Article 14 of the Amendments

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. . . . [Proclaimed July 28, 1868.]

LAW OF APRIL 14, 1802

as reenacted in revised statutes, 1878, section 2172

The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject by the Government of the United States, may have become citizens of any one of the States, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States,[1] be considered as citizens thereof; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens thereof; but no person heretofore proscribed by any State, or who has been legally convicted of having joined the army of Great Britain during the Revolutionary War, shall be admitted to become a citizen without the consent of the legislature of the State in which such person was proscribed. [8 U. S. Code, § 7.]

LAW OF MARCH 3, 1813

as reenacted in revised statutes, 1878, section 2170[2]

No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States. [8 U. S. Code, § 361.]

[1] On "dwelling in the United States," see *Zartarian* v. *Billings*, 204 U. S. 170; *Kaplan* v. *Tod* (1925), 267 U. S. 228.

[2] Repealed by Act of March 2, 1929, § 6 (é), post, p. 613.

LAW OF FEBRUARY 10, 1855

AS REENACTED IN REVISED STATUTES, 1878, SECTION 1993

All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.[1] [8 U. S. Code, § 6.]

LAW OF FEBRUARY 10, 1855

AS REENACTED IN REVISED STATUTES, 1878, SECTION 1994

Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen.[2]

LAW OF JULY 17, 1862

AS REENACTED IN REVISED STATUTES, 1878, SECTION 2166

[This law was repealed by act of May 9, 1918 (40 Stat. 542), except as to honorably discharged soldiers who served in the United States Army prior to January 1, 1900.]

LAW OF MARCH 3, 1865

AS REENACTED IN REVISED STATUTES, 1878, SECTION 1996

All persons who deserted the military or naval service of the United States and did not return thereto or report themselves to a provost-marshal within sixty days after the issuance of the proclamation by the President, dated the 11th day of March, 1865, are deemed to have voluntarily relinquished and forfeited their rights of citizenship, as well as their right to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States, or of exercising any rights of citizens thereof. [8 U. S. Code, § 12.]

LAW OF APRIL 9, 1866

AS REENACTED IN REVISED STATUTES, 1878, SECTION 1992

All persons born in the United States and not subject to any foreign power excluding Indians not taxed, are declared to be citizens of the United States. [8 U. S. Code, § 1.]

[1] The father must have resided in the United States prior to the birth of the child. *Weedin v. Chin Bow* (1927), 274 U. S. 657.

[2] Repealed by the Act of September 22, 1922, § 6, post, p. 609.

TREATY BETWEEN THE UNITED STATES AND RUSSIA CEDING ALASKA TO THE UNITED STATES, MARCH 30, 1867[1]

(Ratifications exchanged and Treaty proclaimed in the United States June 20, 1867)

Article III. The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may, from time to time, adopt in regard to aboriginal tribes of that country.

LAW OF JULY 27, 1868

AS REENACTED IN REVISED STATUTES, 1878, SECTIONS 1999, 2000, 2001

Section 1999. Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this Government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed: Therefore any declaration, instruction, opinion, order, or decision of any officer of the United States which denies, restricts, impairs, or questions the right of expatriation, is declared inconsistent with the fundamental principles of the Republic. [8 U. S. Code, § 15.]

Section 2000. All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from this Government the same protection of persons and property which is accorded to native-born citizens. [8 U. S. Code, § 13.]

Section 2001. Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release

[1] 15 Stat. 542.

of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress. [8 U. S. Code, § 14.]

LAW OF MAY 18, 1872

AS REENACTED IN REVISED STATUTES, 1878, SECTION 1995

All persons born in the district of country formerly known as the Territory of Oregon, and subject to the jurisdiction of the United States on the 18th May, 1872, are citizens in the same manner as if born elsewhere in the United States.

ACT OF FEBRUARY 18, 1875

AS REENACTED IN REVISED STATUTES, 1878, SECTION 2169

The provisions of this Title shall apply to aliens being free white persons; and to aliens of African nativity and to persons of African descent.[1] [8 U. S. Code, § 359.]

LAW OF MAY 6, 1882[2]

That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed. [8 U. S. Code, § 363.]

LAW OF APRIL 30, 1900, CONCERNING HAWAII[3]

Section 4. That all persons who were citizens of the Republic of Hawaii on August twelfth, eighteen hundred and ninety-eight,[4] are hereby declared to be citizens of the United States and citizens of the Territory of Hawaii. [8 U. S. Code, § 4; 48 id. § 494.]

And all citizens of the United States resident in the Hawaiian Islands who were resident there on or since August twelfth, eighteen hundred and ninety-eight, and all the citizens of the United States who shall hereafter reside in

[1] On the application of this provision, see *Ozawa* v. *U. S.* (1922), 260 U. S. 178; *U. S.* v. *Thind* (1923), 261 U. S. 204; *Toyota* v. *U. S.* (1925), 268 U. S. 402; *U. S.* v. *Cartozian* (1925), 6 F (2d) 919.

[2] 22 Stat. 61.

[3] 31 Stat. 141.

[4] Section 1 of the Constitution of the Republic of Hawaii of July 4, 1894, provided as follows: "All persons born or naturalized in the Hawaiian Islands, and subject to the jurisdiction of the Republic, are citizens thereof."

the Territory of Hawaii for one year shall be citizens of the Territory of Hawaii. [48 U. S. Code, § 494.]

Section 5. That the Constitution, and, except, as herein otherwise provided, all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States . . . [48 U. S. Code, § 495.]

LAW OF JUNE 29, 1906[1]

AS AMENDED IN 1918 AND 1926

That . . . the Bureau of . . . Naturalization, . . . under the direction and control of the Secretary of Labor, shall have charge of all matters concerning the naturalization of aliens. [8 U. S. Code, § 352.] That it shall be the duty of the [Bureau of Immigration] to provide, for use at the various immigration stations throughout the United States, books of record, wherein the commissioners of immigration shall cause a registry to be made in the case of each alien arriving in the United States from and after the passage of this act of the name, age, occupation, personal description (including height, complexion, color of hair and eyes), the place of birth, the last residence, the intended place of residence in the United States, and the date of arrival of said alien, and, if entered through a port, the name of the vessel in which he comes. And it shall be the duty of said commissioners of immigration to cause to be granted to such alien a certificate of such registry, with the particulars thereof. [8 U. S. Code, § 106.]

Section 3. That exclusive jurisdiction to naturalize aliens as citizens of the United States is hereby conferred upon the following specified courts:

United States circuit [2] and district courts now existing, or which may hereafter be established by Congress in any State, United States district courts for the Territories of Arizona, New Mexico, Oklahoma, Hawaii, and Alaska, the supreme court of the District of Columbia, and the United States courts for the Indian Territory; also all courts of record in any State or Territory now existing, or which may hereafter be created, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited. [8 U. S. Code, § 357.]

That the naturalization jurisdiction of all courts herein specified, State, Territorial, and Federal, shall extend only to aliens resident within the respective judicial districts of such courts. [8 U. S. Code, §§ 357, 358.]

The courts herein specified shall, upon the requisition of the clerks of such courts, be furnished from time to time by the Bureau of Naturalization with such blank forms as may be required in the naturalization of aliens, and all

[1] 34 Stat. 596; as amended in 1918, 40 Stat. 542; and in 1926, 44 Stat. 709.

[2] United States circuit courts were abolished as from January 1, 1912, by act of Congress approved March 3, 1911 (36 Stat. 1167).

certificates of naturalization shall be consecutively numbered and printed on safety paper furnished by said bureau. [8 U. S. Code, § 408.]

Section 4. That an alien may be admitted to become a citizen of the United States in the following manner and not otherwise:[1] [8 U. S. Code, § 372.]

First: He shall declare on oath before the clerk of any court authorized by this act to naturalize aliens, or his authorized deputy, in the district in which such alien resides, two years at least prior to his admission, and after he has reached the age of eighteen years, that it is bona fide his intention to become a citizen of the United States and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject. And such declaration shall set forth the name, age, occupation, personal description, place of birth, last foreign residence and allegiance, the date of arrival, the name of the vessel, if any, in which he came to the United States, and the present place of residence in the United States of said alien: *Provided, however*, That no alien who, in conformity with the law in force at the date of his declaration, has declared his intention to become a citizen of the United States shall be required to renew such declaration.[2] [8 U. S. Code, § 373; modified by the Act of March 4, 1929, post, page 616.]

Second. Not less than two years nor more than seven years after he has made such declaration of intention he shall make and file, in duplicate, a petition in writing, signed by the applicant in his own handwriting and duly verified, in which petition such applicant shall state his full name, his place of residence (by street and number, if possible), his occupation, and, if possible, the date and place of his birth; the place from which he emigrated, and the date and place of his arrival in the United States, and, if he entered through a port, the name of the vessel on which he arrived; the time when and the place and name of the court where he declared his intention to become a citizen of the United States; if he is married he shall state the name of his wife and, if possible, the country of her nativity and her place of residence at the time of filing his petition; and if he has children, the name, date, and place of birth and place of residence of each child living at the time of the filing of his petition: *Provided*, That if he has filed his declaration before the passage of this act he shall not be required to sign the petition in his own handwriting.

The petition shall set forth that he is not a disbeliever in or opposed to organized government, or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government, a

[1] See *Johannessen* v. *U. S.* (1912), 225 U. S. 227; *U. S.* v. *Ginsberg* (1917), 243 U. S. 472; *U. S.* v. *Ness* (1917), 245 U. S. 319; *U. S.* v. *Manzi* (1928), 276 U. S. 463; *Maney* v. *U. S.* (1928), 278 U. S. 17.

[2] See *U. S.* v. *Morena*, 245 U. S. 392.

polygamist or believer in the practice of polygamy, and that it is his intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he at the time of filing of his petition may be a citizen or subject, and that it is his intention to reside permanently within the United States, and whether or not he has been denied admission as a citizen of the United States, and, if denied, the ground or grounds of such denial, the court or courts in which such decision was rendered, and that the cause for such denial has since been cured or removed, and every fact material to his naturalization and required to be proved upon the final hearing of his application.

The petition shall also be verified by the affidavits of at least two credible witnesses, who are citizens of the United States, and who shall state in their affidavits that they have personally known the applicant to be a resident of the United States for a period of at least five years continuously, and of the State, Territory, or [the] District,[1] in which the application is made for a period of at least one year immediately preceding the date of the filing of his petition, and that they each have personal knowledge that the petitioner is a person of good moral character, and that he is in every way qualified, in their opinion, to be admitted as a citizen of the United States. [8 U. S. Code, § 379; amended by the Act of March 2, 1929, § 6 (a), post, page 611.]

At the time of filing his petition there shall be filed with the clerk of the court a certificate from the Department of . . . Labor, if the petitioner arrives in the United States after the passage of this act, stating the date, place, and manner of his arrival in the United States,[2] and the declaration of intention of such petitioner, which certificate and declaration shall be attached to and made a part of said petition. [8 U. S. Code, § 380.]

Third. He shall, before he is admitted to citizenship, declare on oath in open court that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; that he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same. [8 U. S. Code, § 381.]

Fourth. It shall be made to appear to the satisfaction of the court admitting any alien to citizenship that immediately preceding the date of his application he has resided continuously within the United States five

[1] The word "District" was changed by the act of May 9, 1918, to read "the District of Columbia."

[2] See *U. S.* v. *Ness* (1917), 245 U. S. 319, holding that the filing of a certificate of arrival is an essential prerequisite to a valid order of naturalization; *Maney* v. *U. S.* (1928), 278 U. S. 17, holding that the certificate of arrival must be filed at the time of filing the petition.

years at least, and within the State or Territory where such court is at the time held one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. In addition to the oath of the applicant, the testimony of at least two witnesses, citizens of the United States, as to the facts of residence, moral character, and attachment to the principles of the Constitution shall be required, and the name, place of residence, and occupation of each witness shall be set forth in the record. [8 U. S. Code, § 382; amended by the Act of March 2, 1929, § 6 (b), post, page 612.]

Fifth. In case the alien applying to be admitted to citizenship has borne any hereditary title, or has been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court. [8 U. S. Code, § 386.]

Sixth. When any alien who has declared his intention to become a citizen of the United States dies before he is actually naturalized the widow and minor children of such alien may, by complying with the other provisions of this act, be naturalized without making any declaration of intention.[1] [8 U. S. Code, § 375.]

Seventh. Any native-born Filipino[2] of the age of twenty-one years and upward who has declared his intention to become a citizen of the United States and who has enlisted or may hereafter enlist in the United States Navy or Marine Corps or the Naval Auxiliary Service, and who, after service of not less than three years, may be honorably discharged therefrom, or who may receive an ordinary discharge with recommendation for reenlistment; or any alien, or any Porto Rican not a citizen of the United States, of the age of twenty-one years and upward, who has enlisted or entered or may hereafter enlist in or enter the armies of the United States, either the Regular or the Volunteer Forces, or the National Army, the National Guard or Naval Militia of any State, Territory, or the District of Columbia, or the State militia in Federal service, or in the United States Navy or Marine Corps, or in the United States Coast Guard, or who has served for three years on board of any vessel of the United States Government, or for three years on board of merchant or fishing vessels of the United States of more than twenty tons burden,[3] and while still in the service on a reenlistment or reappointment, or within six months after an honorable discharge or separation therefrom, or while on furlough to the Army Reserve or Regular Army Reserve after honorable service, may, on presentation of the required declaration of

[1] See *U. S.* v. *Manzi* (1928), 276 U. S. 463.
[2] See *Toyota* v. *U. S.* (1925), 268 U. S. 402.
[3] Amended by the Act of March 2, 1929, § 6 (c), post, p. 613.

intention petition for naturalization without proof of the required five years' residence within the United States if upon examination by the representative of the Bureau of Naturalization, in accordance with the requirements of this subdivision it is shown that such residence can not be established; [8 U. S. Code, § 388; amended by the Act of March 2, 1929, § 6 (a), post] any alien serving in the military or naval service of the United States during the time this country is engaged in the present war may file his petition for naturalization without making the preliminary declaration of intention and without proof of the required five years' residence within the United States; [8 U. S. Code, § 392] any alien declarant who has served in the United States Army or Navy, or the Philippine Constabulary, and has been honorably discharged therefrom, and has been accepted for service in either the military or naval service of the United States on the condition that he becomes a citizen of the United States, may file his petition for naturalization upon proof of continuous residence within the United States for the three years immediately preceding his petition, by two witnesses, citizens of the United States, and in these cases only residence in the Philippine Islands and the Panama Canal Zone by aliens may be considered residence within the United States, and the place of such military service shall be construed as the place of residence required to be established for purposes of naturalization; [8 U. S. Code, § 389] and any alien, or any person owing permanent allegiance to the United States embraced within this subdivision, may file his petition for naturalization in the most convenient court without proof of residence within its jurisdiction, notwithstanding the limitation upon the jurisdiction of the courts specified in section three of the act of June twenty-ninth, nineteen hundred and six, provided he appears with his two witnesses before the appropriate representative of the Bureau of Naturalization and passes the preliminary examination hereby required before filing his petition for naturalization in the office of the clerk of the court, and in each case the record of this examination shall be offered in evidence by the representative of the Government from the Bureau of Naturalization and made a part of the record at the original and any subsequent hearings; and, except as otherwise herein provided, the honorable discharge certificate of such alien, or person owing permanent allegiance to the United States, or the certificate of service showing good conduct, signed by a duly authorized officer, or by the masters of said vessels, shall be deemed prima facie evidence to satisfy all of the requirements of residence within the United States and within the State, Territory, or the District of Columbia, and good moral character required by law, when supported by the affidavits of two witnesses, citizens of the United States, identifying the applicant as the person named in the certificate or honorable discharge, and in those cases only where the alien is actually in the military or naval service of the United States, the certificate of arrival shall not be filed with the petition for naturalization in the manner prescribed; [8 U. S.

Code, § 393] and any petition for naturalization filed under the provisions of this subdivision may be heard immediately, notwithstanding the law prohibits the hearing of a petition for naturalization during thirty days preceding any election in the jurisdiction of the court. [8 U. S. Code, § 394.] Any alien who, at the time of the passage of this act, is in the military service of the United States, who may not be within the jurisdiction of any court authorized to naturalize aliens, may file his petition for naturalization without appearing in person in the office of the clerk of the court and shall not be required to take the prescribed oath of allegiance in open court. The petition shall be verified by the affidavits of at least two credible witnesses who are citizens of the United States, and who shall prove in their affidavits the portion of the residence that they have personally known the applicant to have resided within the United States. The time of military service may be established by the affidavits of at least two other citizens of the United States, which together with the oath of allegiance, may be taken in accordance with the terms of section seventeen hundred and fifty of the Revised Statutes of the United States after notice from and under regulations of the Bureau of Naturalization. Such affidavits and oath of allegiance shall be admitted in evidence in any original or appellate [1] naturalization proceeding without proof of the genuineness of the seal or signature or of the official character of the officer before whom the affidavits and oath of allegiance were taken, and shall be filed by the representative of the Government from the Bureau of Naturalization at the hearing as provided by section eleven of the act of June twenty-ninth, nineteen hundred and six. [8 U. S. Code, § 390.] Members of the Naturalization Bureau and Service may be designated by the Secretary of Labor to administer oaths relating to the administration of the naturalization law; [8 U. S. Code, § 354] and the requirement of section ten of notice to take depositions to the United States attorneys is repealed, and the duty they perform under section fifteen of the act of June twenty-ninth, nineteen hundred and six (Thirty-fourth Statutes at Large, part one, page five hundred and ninety-six), may also be performed by the Commissioner or Deputy Commissioner of Naturalization: [8 U. S. Code, § 405] *Provided*, That it shall not be lawful to make a declaration of intention before the clerk of any court on election day or during the period of thirty days preceding the day of holding any election in the jurisdiction of the court: [8 U. S. Code, § 374; repealed by Act of May 25, 1926, post] *Provided further*, That service by aliens upon vessels other than of American registry, whether continuous or broken, shall not be considered as residence for naturalization purposes within the jurisdiction of the United States, and such aliens can not secure residence for naturalization purposes during service upon vessels of foreign registry.[2] [8 U. S. Code, § 384.]

[1] See *Tutun* v. *U. S.* (1926), 270 U. S. 568, on appellate jurisdiction.
[2] See *McDonald* v. *U. S.* (1929), 49 Sup. Ct. 218.

During the time when the United States is at war no clerk of a United States court shall charge or collect a naturalization fee from an alien in the military service of the United States for filing his petition or issuing the certificate of naturalization upon admission to citizenship, and no clerk of any State court shall charge or collect any fee for this service unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected. A full accounting for all of these transactions shall be made to the Bureau of Naturalization in the manner provided by section thirteen of the act of June twenty-ninth, nineteen hundred and six. [8 U. S. Code, § 403.]

Eighth. That every seaman, being an alien, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served three years upon such merchant or fishing vessels of the United States, be deemed a citizen of the United States for the purpose of serving on board any such merchant or fishing vessel of the United States, anything to the contrary in any act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such after the filing of his declaration of intention to become such citizen: *Provided*, That nothing contained in this act shall be taken or construed to repeal or modify any portion of the act approved March fourth, nineteen hundred and fifteen (Thirty-eighth Statutes at Large, part one, page eleven hundred and sixty-four, chapter one hundred and fifty-three), being an act to promote the welfare of American seamen. [8 U. S. Code, § 376.]

Ninth. That for the purpose of carrying on the work of the Bureau of Naturalization of sending the names of the candidates for citizenship to the public schools and otherwise promoting instruction and training in citizenship responsibilities of applicants for naturalization, as provided in this subdivision, authority is hereby given for the reimbursement of the printing and binding appropriation of the Department of Labor upon the records of the Treasury Department from the naturalization fees deposited in the Treasury through the Bureau of Naturalization for the cost of publishing the citizenship textbook prepared and to be distributed by the Bureau of Naturalization to those candidates for citizenship only who are in attendance upon the public schools, such reimbursement to be made upon statements by the Commissioner of Naturalization of books actually delivered to such student candidates for citizenship, and a monthly naturalization bulletin, and in this duty to secure the aid of and cooperate with the official State and national organizations, including those concerned with vocational education and including personal services in the District of Columbia, and to aid the local Army exemption boards and cooperate with the War Department in locating declarants subject to the Army draft and expenses incidental thereto. [8 U. S. Code, § 387.]

Tenth. That any person not an alien enemy, who resided uninterruptedly within the United States during the period of five years next preceding July first, nineteen hundred and fourteen, and was on that date otherwise qualified to become a citizen of the United States, except that he had not made the declaration of intention required by law and who during or prior to that time, because of misinformation regarding his citizenship status erroneously exercised the rights and performed the duties of a citizen of the United States in good faith, may file the petition for naturalization prescribed by law without making the preliminary declaration of intention required of other aliens, and upon satisfactory proof to the court that he has so acted may be admitted as a citizen of the United States upon complying in all respects with the other requirements of the naturalization law. [8 U. S. Code, § 377.]

Eleventh. No alien who is a native, citizen, subject, or denizen of any country, State, or sovereignty with which the United States is at war shall be admitted to become a citizen of the United States unless he made his declaration of intention not less than two nor more than seven years prior to the existence of the state of war, or was at that time entitled to become a citizen of the United States, without making a declaration of intention, or unless his petition for naturalization shall then be pending and is otherwise entitled to admission, notwithstanding he shall be an alien enemy at the time and in the manner prescribed by the laws passed upon that subject: *Provided*, That no alien embraced within this subdivision shall have his petition for naturalization called for a hearing, or heard, except after ninety days' notice given by the clerk of the court to the Commissioner or Deputy Commissioner of Naturalization to be present, and the petition shall be given no final hearing except in open court and after such notice to the representative of the Government from the Bureau of Naturalization, whose objection shall cause the petition to be continued from time to time for so long as the Government may require: *Provided, however*, That nothing herein contained shall be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien; and section twenty-one hundred and seventy-one of the Revised Statutes of the United States is hereby repealed: *Provided, further*, That the President of the United States may, in his discretion, upon investigation and report by the Department of Justice fully establishing the loyalty of any alien enemy not included in the foregoing exemption, except such alien enemy from the classification of alien enemy, and thereupon he shall have the privilege of applying for naturalization; [8 U. S. Code, § 378] and for the purposes of carrying into effect the provisions of this section, including personal services in the District of Columbia, the sum of $400,000 is hereby appropriated, to be available until June thirtieth, nineteen hundred and nineteen, including travel ex-

penses for members of the Bureau of Naturalization and its field service only, and the provisions of section thirty-six hundred and seventy-nine of the Revised Statutes shall not be applicable in any way to this appropriation.

Twelfth. That any person who, while a citizen of the United States and during the existing war in Europe, entered the military or naval service of any country at war with a country with which the United States is now at war, who shall be deemed to have lost his citizenship by reason of any oath or obligation taken by him for the purpose of entering such service, may resume his citizenship by taking the oath of allegiance to the United States prescribed by the naturalization law and regulations, and such oath may be taken before any court of the United States or of any State authorized by law to naturalize aliens or before any consul of the United States, and certified copies thereof shall be sent by such court or consul to the Department of State and the Bureau of Naturalization, and the act (Public fifty-five, Sixty-fifth Congress, approved October fifth, nineteen hundred and seventeen), is hereby repealed. [8 U. S. Code, § 18.]

Thirteenth. That any person who is serving in the military or naval forces of the United States at the termination of the existing war, and any person who before the termination of the existing war may have been honorably discharged from the military or naval services of the United States on account of disability incurred in line of duty, shall, if he applies to the proper court for admission as a citizen of the United States, be relieved from the necessity of proving that immediately preceding the date of his application he has resided continuously within the United States the time required by law of other aliens, or within the State, Territory, or the District of Columbia for the year immediately preceding the date of his petition for naturalization, but his petition for naturalization shall be supported by the affidavits of two credible witnesses, citizens of the United States, identifying the petitioner as the person named in the certificate of honorable discharge, which said certificate may be accepted as evidence of good moral character required by law, and he shall comply with the other requirements of the naturalization law. [8 U. S. Code, § 391.]

Fourteenth.[1] (a) The judge of any United States district court, or the senior judge of such court if there are more judges than one, is hereby authorized, in his discretion, to designate one or more examiners or officers of the Bureau of Naturalization (including the Naturalization Service) serving as such examiner or officer within the territorial jurisdiction of such court, to conduct preliminary hearings upon petitions for naturalization to such court, and to make findings and recommendations thereon. For such purposes any such designated examiner or officer is hereby authorized to take testimony concerning any matter touching or in any way affecting the admissibility of any petitioner for naturalization, to subpœna witnesses, and

[1] Added by the Act of June 8, 1926, 44 Stat. 709.

to administer oaths, including the oath of the petitioner to his petition and the oath of his witnesses.

(b) The findings of any such designated examiner or officer upon any such preliminary hearing shall be submitted to the court at the final hearing upon the petition required by section 9, with a recommendation that the petition be granted or denied or continued, with the reasons therefor. Such findings and recommendations shall be accompanied by duplicate lists containing the names of the petitioners, classified according to the character of the recommendations, and signed by the designated examiner or officer. The judge to whom such findings and recommendations are submitted shall by written order approve such recommendations with such exceptions as he may deem proper, by subscribing his name to each such list when corrected to conform to his conclusions upon such recommendations. One of such lists shall thereafter be filed permanently of record in such court and the duplicate list shall be sent by the clerk of such court to the Commissioner of Naturalization.

(c) The provisions of section 9 requiring the examination of the petitioner and witnesses under oath before the court and in the presence of the court shall not apply in any case where a designated examiner or officer has conducted the preliminary hearing authorized by this subdivision; except that the court may, in its discretion, and shall, upon demand of the petitioner, require the examination of the petitioner and the witnesses under oath before the court and in the presence of the court.

Section 5. That the clerk of the court shall, immediately after filing the petition, give notice thereof by posting in a public and conspicuous place in his office, or in the building in which his office is situated, under an appropriate heading, the name, nativity, and residence of the alien, the date and place of his arrival in the United States, and the date, as nearly as may be, for the final hearing of his petition, and the names of the witnesses whom the applicant expects to summon in his behalf; and the clerk shall, if the applicant requests it, issue a subpœna for the witnesses so named by the said applicant to appear upon the day set for the final hearing, but in case such witnesses can not be produced upon the final hearing other witnesses may be summoned. [8 U. S. Code, § 397.]

Section 6. That petitions for naturalization may be made and filed during term time or vacation of the court and shall be docketed the same day as filed, but final action thereon shall be had only on stated days, to be fixed by rule of the court, and in no case shall final action be had upon a petition until at least ninety days have elapsed after filing and posting the notice of such petition: *Provided*,[1] That no person shall be naturalized nor shall any certificate of naturalization be issued by any court within thirty

[1] This proviso is waived in cases of certain petitions filed under the seventh subdivision of Section 4.

days preceding the holding of any general election within its territorial jurisdiction. It shall be lawful at the time and as a part of the naturalization of any alien, for the court, in its discretion, upon the petition of such alien, to make a decree changing the name of said alien, and his certificate of naturalization shall be issued to him in accordance therewith. [8 U. S. Code, § 396.]

Section 7. That no person who disbelieves in or who is opposed to organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States, or of any other organized government, because of his or their official character, or who is a polygamist, shall be naturalized or be made a citizen of the United States. [8 U. S. Code, § 364.]

Section 8. That no alien shall hereafter be naturalized or admitted as a citizen of the United States who can not speak the English language: *Provided*, That this requirement shall not apply to aliens who are physically unable to comply therewith, if they are otherwise qualified to become citizens of the United States: *And provided further*, That the requirements of this section shall not apply to any alien who has prior to the passage of this act declared his intention to become a citizen of the United States in conformity with the law in force at the date of making such declaration: *Provided further*, That the requirements of section eight shall not apply to aliens who shall hereafter declare their intention to become citizens and who shall make homestead entries upon the public lands of the United States and comply in all respects with the laws providing for homestead entries on such lands. [8 U. S. Code, § 398.]

Section 9. That every final hearing upon such petition shall be had in open court [1] before a judge or judges thereof, and every final order which may be made upon such petition shall be under the hand of the court and entered in full upon a record kept for that purpose, and upon such final hearing of such petition the applicant and witnesses shall be examined under oath before the court and in the presence of the court. [8 U. S. Code, § 398.]

Section 10. That in case the petitioner has not resided in the State, Territory, or [the] District [2] for a period of five years continuously and immediately preceding the filing of his petition he may establish by two witnesses, both in his petition and at the hearing, the time of his residence within the State, provided that it has been for more than one year, and the

[1] See *U. S.* v. *Solomon Louis Ginsberg*, 243 U. S. 472, April 9, 1917, holding that a hearing in the judge's chambers adjoining the court room is not a compliance with this section.

[2] The word "District" was changed by the act of May 9, 1918, to read "the District of Columbia."

remaining portion of his five years' residence within the United States required by law to be established may be proved by the depositions of two or more witnesses who are citizens of the United States, upon notice to the Bureau of Naturalization. [8 U. S. Code, § 383. This section was repealed by the Act of March 2, 1929, § 6 (e), post.]

Section 11. That the United States shall have the right to appear before any court or courts exercising jurisdiction in naturalization proceedings for the purpose of cross-examining the petitioner and the witnesses produced in support of his petition concerning any matter touching or in any way affecting his right to admission to citizenship, and shall have the right to call witnesses, produce evidence, and be heard in opposition to the granting of any petition in naturalization proceedings. [8 U. S. Code, § 399.]

Section 12. That it is hereby made the duty of the clerk of each and every court exercising jurisdiction in naturalization matters under the provisions of this act to keep and file a duplicate of each declaration of intention made before him and to send to the Bureau of . . . Naturalization at Washington, within thirty days after the issuance of a certificate of citizenship, a duplicate of such certificate, and to make and keep on file in his office a stub for each certificate so issued by him, whereon shall be entered a memorandum of all the essential facts set forth in such certificate. It shall also be the duty of the clerk of each of said courts to report to the said bureau, within thirty days after the final hearing and decision of the court, the name of each and every alien who shall be denied naturalization, and to furnish to said bureau duplicates of all petitions within thirty days after the filing of the same, and certified copies of such other proceedings and orders instituted in or issued out of said court affecting or relating to the naturalization of aliens as may be required from time to time by the said bureau.

In case any such clerk or officer acting under his direction shall refuse or neglect to comply with any of the foregoing provisions he shall forfeit and pay to the United States the sum of twenty-five dollars in each and every case in which such violation or omission occurs, and the amount of such forfeiture may be recovered by the United States in an action of debt against such clerk.

Clerks of courts having and exercising jurisdiction in naturalization matters shall be responsible for all blank certificates of citizenship received by them from time to time from the Bureau of . . . Naturalization, and shall account for the same to the said bureau whenever required so to do by such bureau. No certificate of citizenship received by any such clerk which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificate shall be returned to the said bureau; and in case any such clerk shall fail to return or properly account for any certificate furnished by the said bureau, as herein provided, he shall be liable to the United States in the sum of fifty dollars, to be recovered in

an action of debt, for each and every certificate not properly accounted for or returned. [8 U. S. Code, § 400.]

Section 13.[1] That the clerk of each and every court exercising jurisdiction in naturalization cases shall charge, collect, and account for the following fees in each proceeding:

For receiving and filing a declaration of intention and issuing a duplicate thereof, one dollar. [Amended by the Act of March 2, 1929, § 7 (a) (1), post, page 613.]

For making, filing, and docketing the petition of an alien for admission as a citizen of the United States and for the final hearing thereon, two dollars; and for entering the final order and the issuance of the certificate of citizenship thereunder, if granted, two dollars. [Amended by the Act of March 2, 1929, § 7 (a) (2), post, page 613.]

The clerk of any court[2] collecting such fees is hereby authorized to retain one-half of the fees collected by him in such naturalization proceeding; the remaining one-half of the naturalization fees in each case collected by such clerks, respectively, shall be accounted for in their quarterly accounts, which they are hereby required to render the Bureau of . . . Naturalization, and paid over to such bureau within thirty days from the close of each quarter in each and every fiscal year, and the moneys so received shall be paid over to the disbursing clerk of the Department of . . . Labor, who shall thereupon deposit them in the Treasury of the United States, rendering an account therefor quarterly to the Auditor for the State and Other Departments,[3] and the said disbursing clerk shall be held responsible under his bond for said fees so received.

In addition to the fees herein required, the petitioner shall, upon the filing of his petition to become a citizen of the United States, deposit with and pay to the clerk of the court a sum of money sufficient to cover the expenses of subpœnaing and paying the legal fees of any witnesses for whom he may request a subpœna, and upon the final discharge of such witnesses they shall receive, if they demand the same from the clerk, the customary and usual witness fees from the moneys which the petitioner shall have paid to such clerk for such purpose, and the residue, if any, shall be returned by the clerk to the petitioner: *Provided*, That the clerks of courts exercising jurisdiction in naturalization proceedings shall be permitted to retain one-half of the fees in any fiscal year up to the sum of three thousand dollars, and that all fees received by such clerks in naturalization proceedings in excess of such amount shall be accounted for and paid over to said bureau as in case of other fees to which the United States may be entitled under the provisions of this act. The clerks of the various courts exercising jurisdiction in natu-

[1] As amended by Act of June 25, 1910, § 1, 36 Stat. 830.
[2] Amended by the Act of March 2, 1929, § 7 (b), post, p. 613.
[3] Now the General Accounting Office. 42 Stat. 23; 31 U. S. Code, § 41.

ralization proceedings shall pay all additional clerical force that may be required in performing the duties imposed by this act upon the clerks of courts from fees received by such clerks in naturalization proceedings. [8 U. S. Code, § 402.]

And in case the clerk of any court exercising naturalization jurisdiction collects fees in excess of the sum of six thousand dollars in any fiscal year the Secretary of . . . Labor may allow salaries, for naturalization purposes only, to pay for clerical assistance, to be selected and employed by that clerk, additional to the clerical force, for which clerks of courts are required by this section to pay from fees received by such clerks in naturalization proceedings, if in the opinion of said Secretary the naturalization business of such clerk warrants further additional assistance: *Provided*, That in no event shall the whole amount allowed the clerk of a court and his assistants exceed the one-half of the gross receipts of the office of said clerk from naturalization fees during such fiscal year: *Provided further*, That when, at the close of any fiscal year, the business of such clerk of court indicates in the opinion of the Secretary of . . . Labor, that the naturalization fees for the succeeding fiscal year will exceed six thousand dollars the Secretary of . . . Labor may authorize the continuance of the allowance of salaries for the additional clerical assistance herein provided for and employed on the last day of the fiscal year until such time as the remittances indicate in the opinion of said Secretary that the fees for the then current fiscal year will not be sufficient to allow the additional clerical assistance authorized by this act. [8 U. S. Code, § 402.]

That payment for the additional clerical assistance herein authorized shall be in the manner and under such regulations as the Secretary of . . . Labor may prescribe. [8 U. S. Code, § 402.]

Section 14. That the declarations of intention and the petitions for naturalization shall be bound in chronological order in separate volumes, indexed, consecutively numbered, and made part of the records of the court. Each certificate of naturalization issued shall bear upon its face, in a place prepared therefor, the volume number and page number of the petition whereon such certificate was issued, and the volume number and page number of the stub of such certificate. [8 U. S. Code, § 404.]

Section 15.[1] That it shall be the duty of the United States district attorneys for the respective districts,[2] upon affidavit showing good cause therefor, to institute proceedings in any court having jurisdiction to naturalize aliens in the judicial district in which the naturalized citizen may reside at the time of bringing the suit, for the purpose of setting aside and canceling the certi-

[1] See *Johannessen* v. *U. S.* (1912), 225 U. S. 227; *Mansour* v. *U. S.* (1912), 226 U. S. 604; *Luria* v. *U. S.* (1913), 231 U. S. 9; *U. S.* v. *Ginsberg* (1917), 243 U. S. 472; *U. S.* v. *Ness* (1917), 245 U. S. 319; *Maney* v. *U. S.* (1928), 278 U. S. 17.

[2] The Act of May 9, 1918, § 1, added, "or the Commissioner or Deputy Commissioner of Naturalization." 40 Stat. 544; 8 U. S. Code, § 405.

ficate of citizenship on the ground of fraud or on the ground that such certificate of citizenship was illegally procured. In any such proceedings the party holding the certificate of citizenship alleged to have been fraudulently or illegally procured shall have sixty days personal notice in which to make answer to the petition of the United States; and if the holder of such certificate be absent from the United States or from the district in which he last had his residence, such notice shall be given by publication in the manner provided for the service of summons by publication or upon absentees by the laws of the State or the place where such suit is brought.

If any alien who shall have secured a certificate of citizenship under the provisions of this act shall, within five years after the issuance of such certificate, return to the country of his nativity, or go to any other foreign country, and take permanent residence therein, it shall be considered prima facie evidence of a lack of intention on the part of such alien to become a permanent citizen of the United States at the time of filing his application for citizenship, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the cancellation of his certificate of citizenship as fraudulent, and the diplomatic and consular officers of the United States in foreign countries shall from time to time, through the Department of State, furnish the Department of Justice with the names of those within their respective jurisdictions who have such certificates of citizenship and who have taken permanent residence in the country of their nativity, or in any other foreign country, and such statements, duly certified, shall be admissible in evidence in all courts in proceedings to cancel certificates of citizenship.

Whenever any certificate of citizenship shall be set aside or canceled, as herein provided, the court in which such judgment or decree is rendered shall make an order canceling such certificate of citizenship and shall send a certified copy of such order to the Bureau of . . . Naturalization; and in case such certificate was not originally issued by the court making such order it shall direct the clerk of the court to transmit a copy of such order and judgment to the court out of which such certificate of citizenship shall have been originally issued. And it shall thereupon be the duty of the clerk of the court receiving such certified copy of the order and judgment of the court to enter the same of record and to cancel such original certificate of citizenship upon the records and to notify the Bureau of . . . Naturalization of such cancellation.

The provisions of this section shall apply not only to certificates of citizenship issued under the provisions of this act, but to all certificates of citizenship which may have been issued heretofore by any court exercising jurisdiction in naturalization proceedings under prior laws. [8 U. S. Code, § 405.]

[Sections 16 and 17 were repealed by the Act of March 4, 1909. 35 Stat. 1153.]

Section 18. That it is hereby made a felony for any clerk or other person to issue or be a party to the issuance of a certificate of citizenship contrary to the provisions of this act, except upon a final order under the hand of a court having jurisdiction to make such order, and upon conviction thereof such clerk or other person shall be punished by imprisonment for not more than five years and by a fine of not more than five thousand dollars, in the discretion of the court. [8 U. S. Code, § 415.]

[Section 19 has been repealed by the Act of March 4, 1909. 35 Stat. 1153.]

Section 20. That any clerk or other officer of a court having power under this act to naturalize aliens, who wilfully neglects to render true accounts of moneys received by him for naturalization proceedings or who wilfully neglects to pay over any balance of such moneys due to the United States within thirty days after said payment shall become due and demand therefor has been made and refused, shall be deemed guilty of embezzlement of the public moneys, and shall be punishable by imprisonment for not more than five years, or by a fine of not more than five thousand dollars, or both. [8 U. S. Code, § 411.]

Section 21. That it shall be unlawful for any clerk of any court or his authorized deputy or assistant exercising jurisdiction in naturalization proceedings to demand, charge, collect, or receive any other or additional fees or moneys in naturalization proceedings save the fees and moneys herein specified; and a violation of any of the provisions of this section or any part thereof is hereby declared to be a misdemeanor and shall be punished by imprisonment for not more than two years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment. [8 U. S. Code, § 412.]

Section 22. That the clerk of any court exercising jurisdiction in naturalization proceedings, or any person acting under authority of this act, who shall knowingly certify that a petitioner, affiant, or witness named in an affidavit, petition, or certificate of citizenship, or other paper or writing required to be executed under the provisions of this act, personally appeared before him and was sworn thereto, or acknowledged the execution thereof or signed the same, when in fact such petitioner, affiant, or witness did not personally appear before him, or was not sworn thereto, or did not execute the same, or did not acknowledge the execution thereof, shall be punished by a fine not exceeding five thousand dollars, or by imprisonment not to exceed five years. [8 U. S. Code, § 413.]

Section 23. That any person who knowingly procures naturalization in violation of the provisions of this act shall be fined not more than five thousand dollars, or shall be imprisoned not more than five years, or both, and upon conviction the court in which such conviction is had shall thereupon adjudge and declare the final order admitting such person to citizenship void. Jurisdiction is hereby conferred on the courts having jurisdiction of

the trial of such offense to make such adjudication. Any person who knowingly aids, advises, or encourages any person not entitled thereto to apply for or to secure naturalization, or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both. [8 U. S. Code, § 414.]

Section 24. That no person shall be prosecuted, tried, or punished for any crime arising under the provisions of this act unless the indictment is found or the information is filed within five years next after the commission of such crime. [8 U. S. Code, § 415.]

Section 25. That for the purpose of the prosecution of all crimes and offenses against the naturalization laws of the United States which may have been committed prior to the date when this act shall go into effect, the existing naturalization laws shall remain in full force and effect. [8 U. S. Code, § 416.]

Section 26. That sections twenty-one hundred and sixty-five, twenty-one hundred and sixty-seven, twenty-one hundred and sixty-eight, twenty-one hundred and seventy-three, of the Revised Statutes of the United States of America, and section thirty-nine of chapter one thousand and twelve of the Statutes at Large of the United States of America for the year nineteen hundred and three, and all acts or parts of acts inconsistent with or repugnant to the provisions of this act are hereby repealed.

Section 27. That substantially the following forms shall be used in the proceedings to which they relate:

DECLARATION OF INTENTION

(Invalid for all purposes seven years after the date hereof.)

....., ss:

I, ..., aged ..... years, occupation ....., do declare on oath (affirm) that my personal description is: Color ....., complexion ....., height ....., weight ....., color of hair....., color of eyes ....., other visible distinctive marks .....; I was born in ..... on the ..... day of ....., anno Domini .....; I now reside at .....; I emigrated to the United States of America from ..... on the vessel .....; my last foreign residence was ..... It is my bona fide intention to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to .....,[1] of which I am now a citizen (subject); I arrived at the (port) of ....., in the State (Territory or [the] District [2]) of ..... on or about the ..... day of .....,

[1] Amended by the Act of March 4, 1929, § 1, post, p. 616.

[2] The word "District" was changed by the Act of May 9, 1918, to read "the District of Columbia."

anno Domini .....; I am not an anarchist; I am not a polygamist nor a believer in the practice of polygamy; and it is my intention in good faith to become a citizen of the United States of America and to permanently reside therein. So help me God.

(Original signature of declarant) .....

Subscribed and sworn to (affirmed) before me this ..... day of ....., anno Domini .....

[L.S.]

....,

(Official character of attestor.)

PETITION FOR NATURALIZATION

..... Court of .....

In the matter of the petition of ..... to be admitted as a citizen of the United States of America.

To the ..... Court:

The petition of ..... respectfully shows:

First. My full name is .....

Second. My place of residence is number ..... street, city of ....., State (Territory or [the] District [of Columbia]) of .....

Third. My occupation is .....

Fourth. I was born on the ..... day of ..... at .....

Fifth. I emigrated to the United States from ....., on or about the ..... day of ....., anno Domini ....., and arrived at the port of ....., in the United States, on the vessel .....

Sixth. I declared my intention to become a citizen of the United States on the ..... day of ..... at ..... in the ..... court of .....

Seventh. I am .. married. My wife's name is ..... She was born in ..... and now resides at ..... I have ..... children, and the name, date, and place of birth and place of residence of each of said children is as follows: .....; .....; .....

Eighth. I am not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in organized government. I am not a polygamist nor a believer in the practice of polygamy. I am attached to the principles of the Constitution of the United States, and it is my intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to ....., of which at this time I am a citizen (or subject), and it is my intention to reside permanently in the United States.

Ninth. I am able to speak the English language.

Tenth. I have resided continuously in the United States of America for a term of five years at least immediately preceding the date of this petition, to wit, since ....., anno Domini ....., and in the State (Territory or [the] District [of Columbia]) of .... for one year at least next preceding the date of this petition, to wit, since ..... day of ....., anno Domini .....

Eleventh. I have not heretofore made petition for citizenship to any court. (I made petition for citizenship to the ..... court of ..... at ....., and the said petition was denied by the said court for the following reasons and causes, to wit, ..., and the cause of such denial has since been cured or removed.)

Attached hereto and made a part of this petition are my declaration of intention to become a citizen of the United States and the certificate from the Department of ..... Labor required by law. Wherefore your petitioner prays that he may be admitted a citizen of the United States of America.

Dated .....

(Signature of petitioner) .....

....., ss:

....., being duly sworn, deposes and says that he is the petitioner in the above-entitled proceeding; that he has read the foregoing petition and knows the contents thereof; that the same is true of his own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

Subscribed and sworn to before me this ..... day of ....., anno Domini .....

[L. S.]

....,
Clerk of the ..... Court.

AFFIDAVIT OF WITNESSES

..... Court of .....

In the matter of the petition of ..... to be admitted a citizen of the United States of America.

....., ss:

....., occupation ....., residing at ....., and ....., occupation ....., residing at ....., each being severally, duly, and respectively sworn, deposes and says that he is a citizen of the United States of America; that he has personally known ....., the petitioner above mentioned, to be a resident of the United States for a period of at least five years continuously immediately preceding the date of filing his petition, and of the State (Territory or [the] District [of Columbia]) in which the above-entitled application is made for a period of ..... years immediately preceding the date of filing his petition; and that he has personal knowledge that the said petitioner is a person of good moral character, attached to the principles of the Constitution of the United States, and that he is in every way qualified, in his opinion, to be admitted as a citizen of the United States.

.....

.....

Subscribed and sworn to before me this ..... day of ....., nineteen hundred and .....

[L. S.]

....,
(Official character of attestor.)

CERTIFICATE OF NATURALIZATION

Number .....

Petition, volume ....., page .....

Stub, volume ....., page .....

(Signature of holder) .....

Description of holder: Age, ...; height, ...; color, ...; complexion, ...; color of eyes, ...; color of hair, ...; visible distinguishing marks, ... Name, age, and place of residence of wife,

....., ..., ... Names, ages, and places of residence of minor children, ..., ..., ...; ....., ..., ...; ....., ..., ...

...., ss:

Be it remembered, that at a ..... term of the ..... court of ....., held at ..... on the ..... day of ....., in the year of our Lord nineteen hundred and ....., ..., who previous to his (her) naturalization was a citizen or subject of ....., at present residing at number .... street, ... city (town), ... State (Territory or [the] District [of Columbia]), having applied to be admitted a citizen of the United States of America pursuant to law, and the court having found that the petitioner had resided continuously within the United States for at least five years and in this State for one year immediately preceding the date of the hearing of his (her) petition, and that said petitioner intends to reside permanently in the United States, had in all respects complied with the law in relation thereto, and that ..he was entitled to be so admitted, it was thereupon ordered by the said court that ...he be admitted as a citizen of the United States of America.

In testimony whereof the seal of said court is hereunto affixed on the ..... day of ....., in the year of our Lord nineteen hundred and ..... and of our independence the .....

[L. S.]

....,

(Official character of attestor.)

STUB OF CERTIFICATE OF NATURALIZATION

No. of certificate, ...

Name, ...; age, ...

Declaration of intention, volume ....., page .....

Petition, volume ....., page .....

Name, age, and place of residence of wife, ..., ..., ... Names, ages, and places of residence of minor children, ...

Date of order, volume ....., page .....

(Signature of holder) ....

Section 28. That the Secretary of . . . Labor shall have power to make such rules and regulations as may be necessary for properly carrying into execution the various provisions of this act.[1] Certified copies of all papers, documents, certificates, and records required to be used, filed, recorded, or kept under any and all of the provisions of this act shall be admitted in evidence equally with the originals in any and all proceedings under this act and in all cases in which the originals thereof might be admissible as evidence. [8 U. S. Code, § 356.]

Section 29. That for the purpose of carrying into effect the provisions of this act there is hereby appropriated the sum of one hundred thousand

[1] See Revised Statutes, 1878, § 161, 5 U. S. Code, § 22: *Boske* v. *Comingore* (1900), 177 U. S. 459, 470.

dollars, out of any moneys in the Treasury of the United States not otherwise appropriated, which appropriation shall be in full for the objects hereby expressed until June thirtieth, nineteen hundred and seven; and the provisions of section thirty-six hundred and seventy-nine of the Revised Statutes of the United States shall not be applicable in any way to this appropriation.

Section 30. That all the applicable provisions of the naturalization laws of the United States shall apply to and be held to authorize the admission to citizenship of all persons not citizens who owe permanent allegiance to the United States, and who may become residents of any State or organized Territory of the United States, with the following modifications: The applicant shall not be required to renounce allegiance to any foreign sovereignty; he shall make his declaration of intention to become a citizen of the United States at least two years prior to his admission; and residence within the jurisdiction of the United States, owing such permanent allegiance, shall be regarded as residence within the United States within the meaning of the five years' residence clause of the existing law. [8 U. S. Code, § 360.]

Section 31. That this act shall take effect and be in force from and after ninety days from the date of its passage: *Provided*, That sections one, two, twenty-eight, and twenty-nine shall go into effect from and after the passage of this act.

LAW OF MARCH 2, 1907[1]

That the Secretary of State shall be authorized, in his discretion, to issue passports to persons not citizens of the United States as follows: Where any person has made a declaration of intention to become such a citizen as provided by law and has resided in the United States for three years a passport may be issued to him entitling him to the protection of the Government in any foreign country: *Provided*, That such passport shall not be valid for more than six months and shall not be renewed, and that such passport shall not entitle the holder to the protection of this Government in the country of which he was a citizen prior to making such declaration of intention.[2]

Section 2. That any American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign state in conformity with its laws, or when he has taken an oath of allegiance to any foreign state.

When any naturalized citizen shall have resided for two years in the foreign state from which he came, or for five years in any other foreign state it shall be presumed that he has ceased to be an American citizen, and the place of his general abode shall be deemed his place of residence during said years: *Provided, however*, That such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the

[1] 34 Stat. 1228.
[2] This paragraph was repealed by the Act of June 4, 1920, § 5, 41 Stat. 739.

United States, under such rules and regulations as the Department of State may prescribe: [8 U. S. Code, § 17] *And provided also*, That no American citizen shall be allowed to expatriate himself when this country is at war. [8 U. S. Code, § 16.]

Section 3.[1] That any American woman who marries a foreigner shall take the nationality of her husband. At the termination of the marital relation she may resume her American citizenship, if abroad, by registering as an American citizen within one year with a consul of the United States, or by returning to reside in the United States, or, if residing in the United States at the termination of the marital relation, by continuing to reside therein.

Section 4.[2] That any foreign woman who acquires American citizenship by marriage to an American shall be assumed to retain the same after the termination of the marital relation if she continue to reside in the United States, unless she makes formal renunciation thereof before a court having jurisdiction to naturalize aliens, or if she resides abroad she may retain her citizenship by registering as such before a United States consul within one year after the termination of such marital relation.

Section 5. That a child born without the United States of alien parents shall be deemed a citizen of the United States by virtue of the naturalization of or resumption of American citizenship by the parent: *Provided*, That such naturalization or resumption takes place during the minority of such child: *And provided further*, That the citizenship of such minor child shall begin at the time such minor child begins to reside permanently in the United States. [8 U. S. Code, § 8.]

Section 6. That all children born outside the limits of the United States who are citizens thereof in accordance with the provisions of section nineteen hundred and ninety-three of the Revised Statutes of the United States and who continue to reside outside the United States shall, in order to receive the protection of this Government, be required upon reaching the age of eighteen years to record at an American consulate their intention to become residents and remain citizens of the United States and shall be further required to take the oath of allegiance to the United States upon attaining their majority. [8 U. S. Code, § 6.]

Section 7. That duplicates of any evidence, registration, or other acts required by this Act shall be filed with the Department of State for record. [8 U. S. Code, §§ 6, 17.]

[1] Repealed by the Act of September 22, 1922, § 7, post, p. 609. [2] *Id.*, § 6, post.

LAW OF MARCH 4, 1909[1]

Section 74. Whoever shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or shall knowingly aid or assist in falsely making, forging, or counterfeiting any certificate of citizenship, with intent to use the same, or with the intent that the same may be used by some other person, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both. [18 U. S. Code, § 135.]

Section 75. Whoever shall engrave, or cause or procure to be engraved, or assist in engraving, any plate in the likeness of any plate designed for the printing of a certificate of citizenship; or whoever shall sell any such plate, or shall bring into the United States from any foreign place any such plate, except under the direction of the Secretary of Labor or other proper officer; or whoever shall have in his control, custody, or possession any metallic plate engraved after the similitude of any plate from which any such certificate has been printed, with intent to use or to suffer such plate to be used in forging or counterfeiting any such certificate or any part thereof; or whoever shall print, photograph, or in any manner cause to be printed, photographed, made, or executed, any print or impression in the likeness of any such certificate, or any part thereof; or whoever shall sell any such certificate, or shall bring the same into the United States from any foreign place, except by direction of some proper officer of the United States; or whoever shall have in his possession a distinctive paper which has been adopted by the proper officer of the United States for the printing of such certificate, with intent unlawfully to use the same, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both. [18 U. S. Code, § 137.]

Section 76. Whoever, when applying to be admitted a citizen, or when appearing as a witness for any such person, shall knowingly personate any person other than himself, or shall falsely appear in the name of a deceased person, or in an assumed or fictitious name; or whoever shall falsely make, forge, or counterfeit any oath, notice, affidavit, certificate, order, record, signature, or other instrument, paper, or proceeding required or authorized by any law relating to or providing for the naturalization of aliens; or whoever shall utter, sell, dispose of, or shall use as true or genuine, for any unlawful purpose, any false, forged, antedated, or counterfeit oath, notice, certificate, order, record, signature, instrument, paper, or proceeding above specified; or whoever shall sell or dispose of to any person other than the person for whom it was originally issued any certificate of citizenship or certificate showing any person to be admitted a citizen, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both. [18 U. S. Code, § 138.]

[1] 35 Stat. 1102.

Section 77. Whoever shall use or attempt to use, or shall aid, assist, or participate in the use of any certificate of citizenship, knowing the same to be forged, counterfeit, or antedated, or knowing the same to have been procured by fraud or otherwise unlawfully obtained; or whoever, without lawful excuse, shall knowingly possess any false, forged, antedated, or counterfeit certificate of citizenship purporting to have been issued under any law of the United States relating to naturalization, knowing such certificate to be false, forged, antedated, or counterfeit, with the intent unlawfully to use the same; or whoever shall obtain, accept, or receive any certificate of citizenship, knowing the same to have been procured by fraud or by the use or means of any false name or statement given or made with the intent to procure, or to aid in procuring, the issuance of such certificate, or knowing the same to have been fraudulently altered or antedated; or whoever, without lawful excuse, shall have in his possession any blank certificate of citizenship provided by the Bureau of . . . Naturalization with the intent unlawfully to use the same; or whoever, after having been admitted to be a citizen, shall, on oath or by affidavit, knowingly deny that he has been so admitted, with the intent to evade or avoid any duty or liability imposed or required by law, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both. [18 U. S. Code, § 139.]

Section 78. Whoever shall in any manner use, for the purpose of registering as a voter, or as evidence of a right to vote, or otherwise unlawfully, any order, certificate of citizenship, or certificate, judgment, or exemplification, showing any person to be admitted to be a citizen, whether heretofore or hereafter issued or made, knowing that such order, certificate, judgment, or exemplification has been unlawfully issued or made; or whoever shall unlawfully use, or attempt to use, any such order or certificate, issued to or in the name of any other person, or in a fictitious name, or the name of a deceased person, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both. [18 U. S. Code, § 140.]

Section 79. Whoever shall knowingly use any certificate of naturalization heretofore or which hereafter may be granted by any court, which has been or may be procured through fraud or by false evidence, or which has been or may hereafter be issued by the clerk or any other officer of the court without any appearance and hearing of the applicant in court and without lawful authority; or whoever, for any fraudulent purpose whatever, shall falsely represent himself to be a citizen of the United States without having been duly admitted to citizenship, shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both. [18 U. S. Code, § 141.]

Section 80. Whoever, in any proceeding under or by virtue of any law relating to the naturalization of aliens, shall knowingly swear falsely in any case where an oath is made or affidavit taken, shall be fined not more than

one thousand dollars and imprisoned not more than five years. [18 U. S. Code, § 142.]

Section 81. The provisions of the five sections last preceding shall apply to all proceedings had or taken, or attempted to be had or taken, before any court in which any proceeding for naturalization may be commenced or attempted to be commenced, and whether such court was vested by law with jurisdiction in naturalization proceedings or not. [18 U. S. Code, § 143.]

LAW OF FEBRUARY 24, 1911[1]

That when any alien, who has declared his intention to become a citizen of the United States, becomes insane before he is actually naturalized, and his wife shall thereafter make a homestead entry under the land laws of the United States, she and their minor children may, by complying with the other provisions of the naturalization laws, be naturalized without making any declaration of intention. [8 U. S. Code, § 371.]

LAW OF AUGUST 22, 1912[2]

Section 1. [Amending Revised Statutes, 1878, § 1998] . . . every person who hereafter deserts the military or naval service of the United States, or who, being duly enrolled, departs the jurisdiction of the district in which he is enrolled, or goes beyond the limits of the United States, with intent to avoid any draft into the military or naval service, lawfully ordered, shall be liable to all the penalties and forfeitures of section 1996 of the Revised Statutes of the United States: *Provided*, That the provisions of this section and said section 1996 shall not apply to any person hereafter deserting the military or naval service of the United States in time of peace . . . [8 U. S. Code, § 11.]

LAW OF MARCH 4, 1913[3]

That there is hereby created an executive department in the Government to be called the Department of Labor, with a Secretary of Labor, who shall be the head thereof, to be appointed by the President, by and with the advice and consent of the Senate; . . . [5 U. S. Code, § 611.]

. . . . . .

Section 3. That the following-named offices, bureaus, divisions, and branches of the public service now and heretofore under the jurisdiction of the Department of Commerce and Labor, and all that pertains to the same, known as . . . the Bureau of Immigration and Naturalization, . . .

[1] 36 Stat. 929. [2] 37 Stat. 356. [3] 37 Stat. 736.

the Division of Naturalization, . . . be, and the same hereby are, transferred from the Department of Commerce and Labor to the Department of Labor, and the same shall hereafter remain under the jurisdiction and supervision of the last-named department. [5 U. S. Code, § 616.] The Bureau of Immigration and Naturalization is hereby divided into two bureaus, to be known hereafter as the Bureau of Immigration and the Bureau of Naturalization, and the titles Chief Division of Naturalization and Assistant Chief shall be Commissioner of Naturalization and Deputy Commissioner of Naturalization. [8 U. S. Code, § 351.] The Commissioner of Naturalization or, in his absence, the Deputy Commissioner of Naturalization, shall be the administrative officer in charge of the Bureau of Naturalization and of the administration of the naturalization laws under the immediate direction of the Secretary of Labor, to whom he shall report directly upon all naturalization matters annually and as otherwise required, . . . [8 U. S. Code, § 353.]

LAW OF MAY 22, 1917[1]

That the Act entitled "An act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes," approved August twenty-ninth, nineteen hundred and sixteen, be, and the same is hereby, amended by adding after the proviso under the heading "Naval Reserve Force," which reads as follows: "*Provided*, That citizens of the insular possessions of the United States may enroll in the Naval Auxiliary Reserve," a further proviso as follows: *Provided further*, That such persons who are not citizens of the United States, but who have or shall have declared their intention to become citizens of the United States, and who are citizens of countries which are at peace with the United States, may enroll in the Naval Reserve Force subject to the condition that they may be discharged from such enrollment at any time within the discretion of the Secretary of the Navy, and such persons who may, under existing law, become citizens of the United States, and who render honorable service in the Naval Reserve Force in time of war for a period of not less than one year may become citizens of the United States without proof of residence on shore and without further requirement than proof of good moral character and certificate from the Secretary of the Navy that such honorable service was actually rendered.

LAW OF MAY 9, 1918[2]

Section 2. That the following provisions of law be, and they are hereby, repealed: Section twenty-one hundred and sixty-six and twenty-one hundred

[1] 40 Stat. 84.

[2] 40 Stat. 546–47.

and seventy-four of the Revised Statutes of the United States of America and so much of an act approved July twenty-sixth, eighteen hundred and ninety-four, entitled "An act making provisions for the naval service for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes," being chapter one hundred and sixty-five of the laws of eighteen hundred and ninety-four (Twenty-eighth Statutes at Large, page one hundred and twenty-four), reading as follows: "Any alien of the age of twenty-one years and upward who has enlisted or may enlist in the United States Navy or Marine Corps and has served or may hereafter serve five consecutive years in the United States Navy or one enlistment in the United States Marine Corps and has been or may hereafter be honorably discharged, shall be admitted to become a citizen of the United States upon his petition without any previous declaration of his intention to become such; and the court admitting such alien shall, in addition to proof of good moral character, be satisfied by competent proof of such person's service in and honorable discharge from the United States Navy or Marine Corps"; and so much of an act approved June thirtieth, nineteen hundred and fourteen, entitled "An act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and fifteen, and for other purposes," being chapter one hundred and thirty of the laws of nineteen hundred and fourteen (Thirty-eighth Statutes at Large, part one, page three hundred and ninety-two), reading as follows: "Any alien of the age of twenty-one years and upward who may under existing law become a citizen of the United States, who has served or may hereafter serve for one enlistment of not less than four years in the United States Navy or Marine Corps, and who has received therefrom an honorable discharge or an ordinary discharge, with recommendation for reenlistment, or who has completed four years in the Revenue Cutter Service and received therefrom an honorable discharge or an ordinary discharge with recommendation for reenlistment, or who has completed four years of honorable service in the naval auxiliary service shall be admitted to become a citizen of the United States upon his petition without any previous declaration of his intention to become such, and without proof of residence on shore, and the court admitting such alien shall, in addition to proof of good moral character, be satisfied by competent proof from naval or revenue-cutter sources of such service: *Provided*, That an honorable discharge from the Navy, Marine Corps, Revenue Cutter Service, or the Naval Auxiliary Service, or an ordinary discharge with recommendation for reenlistment, shall be accepted as proof of good moral character: *Provided further*, That any court which now has or may hereafter be given jurisdiction to naturalize aliens as citizens of the United States may immediately naturalize any alien applying under and furnishing the proof prescribed by the foregoing provisions"; and so much of section three of an act approved June twenty-fifth, nineteen hundred and ten (Thirty-fourth Statutes at Large,

part one, page six hundred and thirty), reading as follows: "That paragraph two of section four of an act entitled 'An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States,' approved June twenty-ninth, nineteen hundred and six, be amended by adding, after the proviso in paragraph two of section four of said act, the following: *Provided further*, That any person belonging to the class of persons authorized and qualified under existing law to become a citizen of the United States, who has resided constantly in the United States during a period of five years next preceding May first, nineteen hundred and ten, who, because of misinformation in regard to his citizenship or the requirements of the law governing the naturalization of citizens has labored and acted under the impression that he was or could become a citizen of the United States and has in good faith exercised the rights or duties of a citizen or intended citizen of the United States because of such wrongful information and belief may, upon making a showing of such facts satisfactory to a court having jurisdiction to issue papers of naturalization to an alien, and the court in its judgment believes that such person has been for a period of more than five years entitled upon proper proceedings to be naturalized as a citizen of the United States, receive from the said court a final certificate of naturalization, and said court may issue such certificate without requiring proof of former declaration by or on part of such person of their intention to become a citizen of the United States, but such applicant for naturalization shall comply in all other respects with the law relative to the issuance of final papers of naturalization to aliens."

That all acts or parts of acts inconsistent with or repugnant to the provisions of this act are hereby repealed; but nothing in this act shall repeal or in any way enlarge section twenty-one hundred and sixty-nine of the Revised Statutes, except as specified in the seventh subdivision of this act and under the limitation therein defined: *Provided*, That for the purposes of the prosecution of all crimes and offenses against the naturalization laws of the United States which may have been committed prior to this act the statutes and laws hereby repealed shall remain in full force and effect: *Provided further*, That as to all aliens who, prior to January first, nineteen hundred, served in the Armies of the United States and were honorably discharged therefrom, section twenty-one hundred and sixty-six of the Revised Statutes of the United States shall be and remain in full force and effect, anything in this act to the contrary notwithstanding. [8 U. S. Code, §§ 359, 395, 416.]

LAW OF JULY 9, 1918[1]

. . . *Provided*, That a citizen or subject of a country neutral in the present war who has declared his intention to become a citizen of the United States

[1] 40 Stat. 885.

shall be relieved from liability to military service upon his making a declaration, in accordance with such regulations as the President may prescribe, withdrawing his intention to become a citizen of the United States, which shall operate and be held to cancel his declaration of intention to become an American citizen, and he shall forever be debarred from becoming a citizen of the United States. . . . [8 U. S. Code, § 366.]

LAW OF 1919[1]

That every American Indian who served in the Military or Naval Establishments of the United States during the war against the Imperial German Government, and who has received or who shall hereafter receive an honorable discharge, if not now a citizen and if he so desires, shall, on proof of such discharge and after proper identification before a court of competent jurisdiction, and without other examination except as prescribed by said court, be granted full citizenship with all the privileges pertaining thereto, without in any manner impairing or otherwise affecting the property rights, individual or tribal, of any such Indian or his interest in tribal or other Indian property. [8 U. S. Code, § 3.]

LAW OF SEPTEMBER 22, 1922[2]

That the right of any woman to become a naturalized citizen of the United States shall not be denied or abridged because of her sex or because she is a married woman.

Section 2. That any woman who marries a citizen of the United States after the passage of this Act, or any woman whose husband is naturalized after the passage of this Act, shall not become a citizen of the United States by reason of such marriage or naturalization; but, if eligible to citizenship, she may be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

(a) No declaration of intention shall be required;

(b) In lieu of the five-year period of residence within the United States and the one-year period of residence within the State or Territory where the naturalization court is held, she shall have resided continuously in the United States, Hawaii, Alaska, or Porto Rico for at least one year immediately preceding the filing of the petition. [8 U. S. Code, § 368.]

Section 3. That a woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after the passage of this Act, unless she makes a formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens: *Provided*, That any

[1] 41 Stat. 350. [2] 42 Stat. 1021.

woman citizen who marries an alien ineligible to citizenship shall cease to be a citizen of the United States. If at the termination of the marital status she is a citizen of the United States she shall retain her citizenship regardless of her residence. If during the continuance of the marital status she resides continuously for two years in a foreign State of which her husband is a citizen or subject, or for five years continuously outside the United States, she shall thereafter be subject to the same presumption as is a naturalized citizen of the United States under the second paragraph of section 2 of the Act entitled "An Act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907. Nothing herein shall be construed to repeal or amend the provisions of Revised Statutes 1999 or of section 2 of the Expatriation Act of 1907 with reference to expatriation. [8 U. S. Code, § 9.]

Section 4. That a woman who, before the passage of this Act, has lost her United States citizenship by reason of her marriage to an alien eligible for citizenship, may be naturalized as provided by section 2 of this Act: *Provided*, That no certificate of arrival shall be required to be filed with her petition if during the continuance of the marital status she shall have resided within the United States. After her naturalization she shall have the same citizenship status as if her marriage had taken place after the passage of this Act. [8 U. S. Code, § 369.]

Section 5. That no woman whose husband is not eligible to citizenship shall be naturalized during the continuance of the marital status. [8 U. S. Code, § 370.]

Section 6. That section 1994 of the Revised Statutes and section 4 of the Expatriation Act of 1907 are repealed. Such repeal shall not terminate citizenship acquired or retained under either of such sections nor restore citizenship lost under section 4 of the Expatriation Act of 1907. [8 U. S. Code, § 10.]

Section 7. That section 3 of the Expatriation Act of 1907 is repealed. Such repeal shall not restore citizenship lost under such section nor terminate citizenship resumed under such section. A woman who has resumed under such section citizenship lost by marriage shall, upon the passage of this Act, have for all purposes the same citizenship status as immediately preceding her marriage. [8 U. S. Code, § 9.]

LAW OF JUNE 2, 1924[1]

All noncitizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States: *Provided*, That the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property. [8 U. S. Code, § 3.]

[1] 43 Stat. 253.

LAW OF MAY 25, 1926[1]

That so much of the seventh subdivision of section 4 of the Act entitled "An Act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906, as amended, as reads as follows: "*Provided*, That it shall not be lawful to make a declaration of intention before the clerk of any court on election day or during the period of thirty days preceding the day of holding of any election within the jurisdiction of the court," is repealed.

Section 2. No declaration of intention heretofore filed in disregard of so much of such Act of 1906 as is above repealed shall be held invalid for such cause. [8 U. S. Code, § 374.]

LAW OF MAY 26, 1926[2]

That (a) as used in this Act, the term "alien veteran" means an individual, a member of the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918, who is now an alien not ineligible to citizenship; but does not include (1) any individual at any time during such period or thereafter separated from such forces under other than honorable conditions, (2) any conscientious objector who performed no military duty whatever or refused to wear the uniform, or (3) any alien at any time during such period or thereafter discharged from the military or naval forces on account of his alienage.

(b) Terms defined in the Immigration Act of 1924 shall, when used in this Act, have the meaning assigned to such terms in that Act.

. . . . .

Section 7. An alien veteran shall, if residing in the United States, be entitled, at any time within two years after the enactment of this Act,[3] to naturalization upon the same terms, conditions, and exemptions which would have been accorded to such alien if he had petitioned before the armistice of the World War, except that such alien shall be required to appear and file his petition in person and to take the prescribed oath of allegiance in open court. [8 U. S. Code, §§ 241, 392a.]

LAW OF MARCH 2, 1929[4]

That (a) the registry of aliens at ports of entry required by section 1 of the Act of June 29, 1906 (Thirty-fourth Statutes at Large, part 1, page 596), as amended, may be made as to any alien not ineligible to citizenship in whose

[1] 44 Stat. 652.
[2] 44 Stat. 654.
[3] Reenacted by the Act of March 4, 1929, § 3, post, p 616.
[4] 45 Stat. 1512.

case there is no record of admission for permanent residence, if such alien shall make a satisfactory showing to the Commissioner General of Immigration, in accordance with regulations prescribed by the Commissioner General of Immigration, with the approval of the Secretary of Labor, that he—

(1) Entered the United States prior to June 3, 1921;

(2) Has resided in the United States continuously since such entry;

(3) Is a person of good moral character; and

(4) Is not subject to deportation.

(b) For each such record of registry made as herein authorized the alien shall pay to the Commissioner General of Immigration a fee of $20. All fees collected under this section shall be deposited in the Treasury as miscellaneous receipts.

(c) The provisions of section 76 of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, shall apply in respect of the record of registry authorized by this section in the same manner and to the same extent, including penalties, as they apply in respect of the oaths, notices, affidavits, certificates, orders, records, signatures, and other instruments, papers, or proceedings specified in such section 76.

Section 2. Upon the making of a record of registry as authorized by section 1 of this Act, the certificate of arrival required by the fourth paragraph of the second subdivision of section 4 of such Act of June 29, 1906, as amended, may be issued upon application to the Commissioner of Naturalization, in accordance with regulations prescribed by the Commissioner of Naturalization, with the approval of the Secretary of Labor, and upon payment of the fee prescribed by section 5 of this Act.

Section 3. For the purposes of the immigration laws and the naturalization laws an alien, in respect of whom a record of registry has been made as authorized by section 1 of this Act, shall be deemed to have been lawfully admitted to the United States for permanent residence as of the date of his entry.

Section 4. No declaration of intention shall be made by any alien under such Act of June 29, 1906, as amended, or, if made, be valid, until the lawful entry for permanent residence of such alien shall have been established, and a certificate showing the date, place, and manner of his arrival shall have been issued.

Section 5. For any certificate of arrival issued for naturalization purposes a fee of $5 shall be paid to the Commissioner of Naturalization, which fee shall be paid over to and deposited in the Treasury in the same manner as other naturalization fees.

Section 6. (a) The third paragraph of the second subdivision of section 4 of such Act of June 29, 1906, as amended, is amended to read as follows:

"As to each period of residence at any place in the county where the

petitioner resides at the time of filing his petition, there shall be included in the petition the affidavits of at least two credible witnesses, citizens of the United States, stating that each has personally known the petitioner to have been a resident at such place for such period, and that the petitioner is and during all such period has been a person of good moral character."

(b) The fourth subdivision of section 4 of such Act of June 29, 1906, as amended, is amended to read as follows:

"Fourth. No alien shall be admitted to citizenship unless (1) immediately preceding the date of his petition the alien has resided continuously within the United States for at least five years and within the county where the petitioner resided at the time of filing his petition for at least six months, (2) he has resided continuously within the United States from the date of his petition up to the time of his admission to citizenship, and (3) during all the periods referred to in this subdivision he has behaved as a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States. At the hearing of the petition, residence in the county where the petitioner resides at the time of filing his petition, and the other qualifications required by this subdivision during such residence, shall be proved by the oral testimony of at least two credible witnesses, citizens of the United States, in addition to the affidavits required by this Act to be included in the petition. If the petitioner has resided in two or more places in such county and for this reason two witnesses can not be procured to testify as to all such residence, it may be proved by the oral testimony of two such witnesses for each such place of residence, in addition to the affidavits required by this Act to be included in the petition. At the hearing, residence within the United States but outside the county, and the other qualifications required by this subdivision during such residence shall be proved either by depositions made before a naturalization examiner or by the oral testimony of at least two such witnesses for each place of residence.

"If an individual returns to the country of his allegiance and remains therein for a continuous period of more than six months and less than one year during the period immediately preceding the date of filing the petition for citizenship for which continuous residence is required as a condition precedent to admission to citizenship, the continuity of such residence shall be presumed to be broken, but such presumption may be overcome by the presentation of satisfactory evidence that such individual had a reasonable cause for not returning to the United States prior to the expiration of such six months. Absence from the United States for a continuous period of one year or more during the period immediately preceding the date of filing the petition for citizenship for which continuous residence is required as a condition precedent to admission to citizenship shall break the continuity of such residence."

(c) So much of the seventh subdivision of section 4 of such Act of June 29, 1906, as amended, as reads "or for three years on board of merchant or fishing vessels of the United States of more than twenty tons burden" is amended to read as follows: "or for three years on board vessels of more than twenty tons burden, whether or not documented under the laws of the United States, and whether public or private, which are not foreign vessels."

(d) So much of such subdivision as reads "without proof of the required five years' residence within the United States if upon examination by the representative of the Bureau of Naturalization, in accordance with the requirements of this subdivision it is shown that such residence can not be established" is amended to read as follows: "and may be naturalized without complying with the requirements of residence within the United States and within the county."

(e) Section 10 of such Act of June 29, 1906, as amended, and section 2170 of the Revised Statutes, are repealed.

Section 7. (a) The second and third paragraphs of section 13 of such Act of June 29, 1906, as amended, are amended to read as follows:

"(1) For receiving and filing a declaration of intention and issuing a duplicate thereof, $5;

"(2) For making, filing, and docketing a petition for citizenship, and issuing a certificate of citizenship if the issuance of such certificate is authorized by the court, and for the final hearing on the petition, $10."

(b) Notwithstanding the provisions of section 9 of the Act entitled "An Act to fix the salaries of the clerks of the United States district courts and to provide for their office expenses, and for other purposes," approved February 26, 1919, as amended, all fees received by the clerks of court to which such section applies for services rendered in naturalization proceedings shall be paid over to the Bureau of Naturalization within thirty days from the close of each quarter in each fiscal year and the moneys so received shall be disposed of in the same manner as provided in section 13 of such Act of June 29, 1906, as amended.

Section 8. The first sentence of section 28 of such Act of June 29, 1906, as amended, is amended to read as follows:

"The Commissioner of Naturalization, with the approval of the Secretary of Labor, shall make such rules and regulations and such changes in the forms prescribed by section 27 of this Act as may be necessary to carry into effect the provisions of the naturalization laws."

Section 9. Such Act of June 29, 1906, as amended, is amended by adding at the end thereof the following:

"Sec. 32. (a) If any certificate of citizenship issued to any citizen, or any declaration of intention furnished to any declarant, under the naturalization laws, is lost, mutilated, or destroyed, the citizen or declarant may, upon the payment to the commissioner of a fee of $10, make application (accom-

panied by two photographs of the applicant) to the Commissioner of Naturalization for a new certificate or declaration. If the commissioner finds that the certificate or declaration is lost, mutilated, or destroyed, he shall issue to the applicant a new certificate or declaration with one of such photographs of the applicant affixed thereto.

"(b) Upon payment to the Commissioner of Naturalization of a fee of $10, the commissioner shall issue, for any naturalized citizen, a special certificate of citizenship, with a photograph (furnished by such citizen) affixed thereto, for use by such citizen only for the purpose of obtaining recognition as a citizen of the United States by the country of former allegiance of such citizen. Such certificate, when issued, shall be furnished to the Secretary of State for transmission by him to the proper authority in such country of former allegiance.

"Sec. 33. (a) Any individual over twenty-one years of age who claims to have derived United States citizenship through the naturalization of a parent, or a husband, may, upon the payment of a fee of $10, make application to the Commissioner of Naturalization, accompanied by two photographs of the applicant, for a certificate of citizenship. Upon obtaining a certificate from the Secretary of Labor showing the date, place, and manner of arrival in the United States, upon proof to the satisfaction of the commissioner that the applicant is a citizen and that the alleged citizenship was derived as claimed, and upon taking and subscribing to, before a designated representative of the Bureau of Naturalization within the United States, the oath of allegiance required by the naturalization laws of a petitioner for citizenship, such individual shall be furnished a certificate of citizenship by the commissioner, but only if such individual is at the time within the United States. In all courts, tribunals, and public offices of the United States, at home and abroad, of the District of Columbia, and of each State, Territory, or insular possession of the United States, the certificate of citizenship issued under this section shall have the same effect as a certificate of citizenship issued by a court having naturalization jurisdiction.

"(b) Any person who (1) knowingly issues or is a party to the issuance under this section of a certificate of citizenship not authorized by the provisions of this section; or (2) demands, charges, collects, or receives any other or additional fees or moneys under this section except the fees and moneys herein specified; or (3) knowingly certifies that an applicant, affiant, or witness named in an affidavit, application, or certificate of citizenship or other paper or writing required to be executed under the provisions of this section, personally appeared before him, and was sworn thereto or acknowledged the execution thereof or signed the same when in fact such petitioner, affiant, or witness did not personally appear before him or was not sworn thereto, or did not execute the same, or did not acknowledge the execution thereof; or (4) procures a certificate of citizenship under this section, knowing or having

reason to believe that he is not entitled thereto, shall be guilty of a felony and on conviction thereof shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"(c) The provisions of sections 74 to 81, inclusive, of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, shall apply in respect of proceedings and certificates of citizenship under this section in the same manner and to the same extent, including penalties, as they apply in respect of proceedings and certificates of citizenship under the naturalization laws.

"Sec. 34. Fees collected by the Commissioner of Naturalization under the two preceding sections shall be paid over to and deposited in the Treasury and accounted for by the commissioner to the General Accounting Office in the same manner as other naturalization fees received by the Bureau of Naturalization.

"Sec. 35. When used in this Act the term 'county' includes parish in the State of Louisiana; any political subdivision of a State not included within any county; a division of the judicial district in the Territory of Alaska; the entire island in the case of Porto Rico; the entire territory comprised within the Virgin Islands in the case of the Virgin Islands; and the entire district in the case of the District of Columbia.

"Sec. 36. Two photographs of himself shall be furnished by each applicant for a declaration of intention and by each petitioner for citizenship. One of such photographs shall be affixed by the clerk of the court to the declaration of intention issued to the declarant and one to the declaration of intention required to be forwarded to the Bureau of Naturalization; and one of such photographs shall be affixed to the certificate of citizenship issued to the naturalized citizen and one to the duplicate certificate of citizenship required to be forwarded to the Bureau of Naturalization."

Section 10. The Commissioner of Naturalization is authorized and directed to prepare from the records in the custody of the Bureau of Naturalization a report upon those heretofore seeking citizenship to show by nationalities their relation to the numbers of annually arriving aliens and to the prevailing census populations of foreign born, their economic, vocational, and other classification, in statistical form, with analytical comment thereon, and to prepare such report annually thereafter.

Section 11. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Section 12. Sections 1 to 10, inclusive, of this Act shall take effect on July 1, 1929. The remainder of the Act shall take effect upon its enactment.

LAW OF MARCH 4, 1929[1]

That the first subdivision of section 4 of the Act entitled "An Act to establish a Bureau of Immigration and Naturalization and provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906, as amended, is amended to read as follows:

"First. He shall declare on oath before the clerk of any court authorized by this Act to naturalize aliens, or his authorized deputy, in the district in which such alien resides, two years at least prior to his admission, and after he has reached the age of eighteen years, that it is bona fide his intention to become a citizen of the United States and to reside permanently therein, and that he will, before being admitted to citizenship, renounce forever all allegiance and fidelity to any foreign prince, potentate, State, or sovereignty, and particularly, by name, to the prince, potentate, State, or sovereignty of which the alien may be at the time of admission a citizen or subject. Such declaration shall set forth the name, age, occupation, personal description, place of birth, last foreign residence, the date of arrival, the name of the vessel, if any, in which he came to the United States, and the present place of residence in the United States of said alien. No declaration of intention or petition for naturalization shall be made outside of the office of the clerk of court."

Section 2. Section 1 of this Act shall take effect sixty days after its enactment. A declaration of intention made before the expiration of such sixty-day period, whether before or after the enactment of this Act, in which appears an erroneous statement of allegiance, shall not be held invalid for such cause if the error was due to a change of political boundaries, or the creation of new countries, or the transfer of territory from one country to another. Nothing in this section shall permit the reinstatement of a petition for naturalization dismissed for such cause, but in such a case the benefits of this section may be obtained by filing a new petition before the expiration of the period of validity of the declaration of intention.

Section 3. An alien veteran, as defined in sec. 1 of the Act of May 26, 1926 (c. 398, 44 Stat. 654, title 8, sec. 241, U. S. Code Sup. 1), shall, if residing in the United States, be entitled, at any time within two years after the enactment of this Act, to naturalization upon the same terms, conditions, and exemptions which would have been accorded to such alien if he had petitioned before the armistice of the World War, except that such alien shall be required to appear and file his petition in person and to take the prescribed oath of allegiance in open court.

[1] 45 Stat. 1545.

PHILIPPINE ISLANDS

TREATY BETWEEN THE UNITED STATES AND SPAIN DECEMBER 10, 1898[1]

(Ratifications exchanged and Treaty proclaimed in the United States April 11, 1899)

Article IX. Spanish subjects, natives of the Peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or its proceeds; and they shall also have the right to carry on their industry, commerce and professions, being subject in respect thereof to such laws as are applicable to other foreigners. In case they remain in the territory they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside.

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

UNITED STATES LAW OF JULY 1, 1902[2]

Section 4. That all inhabitants of the Philippine Islands continuing to reside therein, who were Spanish subjects on the eleventh day of April, eighteen hundred and ninety-nine, and then resided in said Islands, and their children born subsequent thereto, shall be deemed and held to be citizens of the Philippine Islands and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain signed at Paris December tenth, eighteen hundred and ninety-eight.

UNITED STATES LAW OF AUGUST 29, 1916[3]

Section 2. . . . all inhabitants of the Philippine Islands who were Spanish subjects on the eleventh day of April, eighteen hundred and ninety-nine, and then resided in said Islands, and their children born subsequent thereto, shall be

[1] 30 Stat. 1759. [2] 32 Stat. 692. [3] 39 Stat. 546, 566.

deemed and held to be citizens of the Philippine Islands, except such as shall have elected to preserve their allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain, signed at Paris, December tenth, eighteen hundred and ninety-eight, and except such others as have since become citizens of some other country: *Provided*, That the Philippine Legislature, herein provided for, is hereby authorized to provide by law for the acquisition of Philippine citizenship by those natives of the Philippine Islands who do not come within the foregoing provisions, the natives of the insular possessions of the United States, and such other persons residing in the Philippine Islands who are citizens of the United States, or who could become citizens of the United States under the laws of the United States if residing therein. . . . [48 U. S. Code, § 1002.]

Section 31 . . . All laws or parts of laws applicable to the Philippines not in conflict with any of the provisions of this act are hereby continued in force and effect. [48 U. S. Code, § 1006.]

ACT OF MARCH 26, 1920[1]

Section 1. *Who may become Philippine citizens.*—Philippine citizenship may be acquired by: (*a*) natives of the Philippines who are not citizens thereof under the Jones Law; (*b*) natives of the other Insular possessions of the United States; (*c*) citizens of the United States, or foreigners who under the laws of the United States may become citizens of said country if residing therein.

Section 2. *Who are disqualified.*—The following can not be naturalized as Philippine citizens: (*a*) Persons opposed to organized government or affiliated with any association or group of persons who uphold and teach doctrines opposing all organized government; (*b*) persons defending or teaching the necessity or propriety of violence, personal assault or assassination for the success and predominance of their ideas; (*c*) polygamists or believers in the practice of polygamy; (*d*) persons convicted of crimes involving moral turpitude; (*e*) persons suffering from mental alienation or incurable contagious diseases; (*f*) citizens or subjects of nations with whom the United States and the Philippines are at war, during the period of such war.

Section 3. *Qualifications.*—The persons comprised in subsection (*a*) of section one of this Act, in order to be able to acquire Philippine citizenship, must be not less than twenty-one years of age on the day of the hearing of their petition.

The persons comprised in subsections (*b*) and (*c*) of said section one shall, in addition to being not less than twenty-one years of age on the day of the hearing of the petition, have all and each of the following qualifications:

First. Residence in the Philippine Islands for a continuous period of not less than five years, except as provided in the next following section;

[1] 15 Public Laws of the Philippine Islands, 267–71.

Second. To have conducted themselves in a proper and irreproachable manner during the entire period of their residence in the Philippine Islands, in their relations with the constituted government as well as with the community in which they are living;

Third. To hold in the Philippine Islands real estate worth not less than one thousand pesos, Philippine currency, or have some known trade or profession; and

Fourth. To speak and write English, Spanish or some native tongue.

In case the petitioner is a foreign subject, he shall, besides, declare in writing and under oath his intention of renouncing absolutely and perpetually all faith and allegiance to the foreign authority, state or sovereignty of which he was a native, citizen or subject.

Section 4. *Special qualifications.*—The five years of continuous residence required under the first condition of the last preceding section shall be understood as being reduced to two years for any petitioner having any of the following qualifications: First, having honorably held office under the Government of the Philippine Islands or under that of any of the provinces, municipalities or political subdivisions of said Islands; second, having established a new industry or introduced a useful invention in the Philippines; third, being a railroad contractor, constructor or director in any part of the Philippines; fourth, being married to a Filipino woman; fifth, having been engaged as a teacher in the Philippines of any of the branches of education or industry for a period of not less than two years.

Section 5. *Petition for citizenship.*—Any person desiring to acquire Philippine citizenship shall file with the competent Court a petition setting forth his name and surname; his present and former places of residence; his occupation; the place and date of his birth; whether single or married; and, if married and the father of children, the name, age, birthplace and residence of the wife and of each of the children; if he is not a native of the Philippines, the approximate date of his arrival in the Islands, the name of the port of debarkation, and, if he remembers it, the name of the ship on which he came; a declaration that he has the qualifications required by this Act, specifying the same, and that he is not disqualified for naturalization under the provisions of this Act. If the petitioner is a native of the Philippine Islands and has been naturalized in a foreign country, he shall state the date of his return to the Philippines. The petition must be supported by the affidavit of at least two persons, stating that they are citizens of the Philippine Islands and personally know the petitioner to be a resident of the Islands and a person of good repute and morally irreproachable, and that said petitioner has in their opinion all the qualifications necessary to become a citizen of the Philippine Islands. The petition shall also set forth the names and post-office addresses of such witnesses as the petitioner may desire to introduce at the hearing of the case.

Section 6. *Competent Court.*—The Court of First Instance of the province or district in which the petitioner resides shall have exclusive original jurisdiction, and the Supreme Court of the Philippine Islands appellate jurisdiction, as to the hearing of petitions for naturalization.

Section 7. *Notification and appearance.*—Immediately upon the filing of a petition, it shall be the duty of the clerk of the Court to publish the same at petitioner's expense, once a week for three consecutive weeks, in the *Official Gazette*, and to have copies of said petition and a general notice of the hearing posted in a public and conspicuous place in his office or in the building where said office is located, setting forth in such notice the name, birthplace and residence of the petitioner, the date and place of his arrival in the Philippine Islands, the names of the witnesses whom the petitioner proposes to introduce in support of his petition, and the date of the final hearing on the petitioner, which hearing shall be held after sixty days from the date of the last publication of the notice in the *Official Gazette*. The clerk shall, as soon as possible, forward copies of the petition, the sentence, the naturalization certificate, and other pertinent data to the Department of the Interior: *Provided, however*, That as regards the notice and publication in the *Official Gazette*, and the period within which the petition must be heard, this section shall not be applicable to the persons comprised in subsection (*a*) of section one.

Section 8. *Hearing of the petition.*—No petition, except that of the persons mentioned in subsection (*a*) of section one, which may be heard immediately, shall be heard within the thirty days preceding any election. The hearing shall be public, and the Attorney-General, either himself or through his delegate or the provincial fiscal concerned, shall appear on behalf of the Government of the Philippine Islands at all the proceedings and at the hearing. If, after the hearing, the Court believes, in view of the evidence taken, that the petitioner has all the qualifications required by this Act and has complied with all requisites herein established, it shall order the proper naturalization certificate to be issued.

Section 9. *Appeal.*—The final sentence may, at the request of either of the parties, be carried to the Supreme Court for revision in the form provided in section one hundred and forty-three and following sections of the Code of Civil Procedure.

Section 10. *Issuance of the certificate of naturalization.*—If, after the lapse of thirty days from and after the date on which the parties were notified of the decision of the Court, no appeal has been filed, or if, upon appeal, the decision of the Court has been confirmed by the Supreme Court, the clerk of the Court which heard the petition shall issue to the petitioner a naturalization certificate which shall, among other things, state the following: The file number of the petition, the number of the naturalization certificate, the signature of the person naturalized, affixed in the presence of the clerk of the

court, the personal circumstances of the person naturalized, the date on which his petition was filed, the date of the decision granting the petition, and the name of the judge who rendered the decision.

Before the naturalization certificate is issued, the petitioner shall, in open court, take the following oath:

I, ..., solemnly swear that I renounce all faith and allegiance to the prince, authority, state or sovereignty (giving name) whose subject I am; that I recognize and accept the supreme authority of the United States of America in the Philippine Islands and will maintain true faith and allegiance thereto; that I will obey the laws of the Philippine Islands and the legal orders and decrees promulgated by the authorities duly constituted in the same; that I solemnly swear that I will faithfully defend the Government of the Philippine Islands, and that I impose upon myself this obligation voluntarily, without mental reservation or purpose of evasion. So help me God.

Section 11. *Record books.*—The clerk of the Court shall keep two books: one in which the petitions shall be recorded in chronological order, noting all proceedings thereon from the filing of the petition to the final issuance of the naturalization certificate; and another, which shall be a record of naturalization certificates and each page of which shall have a duplicate which shall be duly attested by the clerk of the Court and delivered to the petitioner.

Section 12. *Fees.*—The clerk of the Court of First Instance shall charge as fees for recording a petition for naturalization and for the proceedings in connection therewith, including the issuance of the certificate, the sum of sixteen pesos.

The Clerk of the Supreme Court shall collect for each appeal and for the services rendered by him in connection therewith, the sum of twenty-four pesos.

Section 13. *Right of widow and children of petitioners who have died.*—In case a petitioner should die before the final decision has been rendered, his widow and minor children may continue the proceedings. The decision rendered in the case shall, so far as the widow and minor children are concerned, produce the same legal effect as if it had been rendered during the life of the petitioner.

Section 14. *Cancellation of naturalization certificate issued.*—Upon motion made in the proper proceedings by the Attorney-General or his representative, or by the proper provincial fiscal, the competent judge may cancel the naturalization certificate issued; (*a*) if it is shown that said naturalization certificate was obtained fraudulently; (*b*) if the person naturalized shall, within the five years next following the issuance of said naturalization certificate, return to his native country or to some foreign country and establish his permanent residence there: *Provided*, That the fact of the person naturalized remaining for more than one year in his native country or the country

of his former nationality, or two years in any other foreign country, shall be considered as *prima facie* evidence of his intention of taking up his permanent residence in the same; (*c*) if the person naturalized is convicted of any violation of this Act, as provided in section fifteen hereof. A certified copy of the decree cancelling the naturalization certificate shall be forwarded by the clerk of the Court to the Department of the Interior.

Section 15. *Penalties for violations of this Act.*—Any person who shall fraudulently make, falsify, forge, change, alter, or cause or aid any person to do the same, or who shall purposely aid and assist in falsely making, forging, falsifying, changing or altering a naturalization certificate for the purpose of making use thereof, or in order that the same may be used by another person or persons, and any person who shall purposely aid and assist another in obtaining a naturalization certificate in violation of the provisions of this Act, shall be punished by a fine of not more than five thousand pesos or by imprisonment for not more than five years, or both.

Section 16. *Prescription.*—No person shall be prosecuted, charged or punished for an offense implying a violation of the provisions of this Act, unless the information or complaint is filed within five years after the commission of said offense.

Section 17. *Regulations and blanks.*—The Secretary of Justice shall issue the necessary regulations for the proper enforcement of this Act. Naturalization certificate blanks and other blanks required for carrying out the provisions of this Act shall be prepared and furnished by the Attorney-General, subject to the approval of the Secretary of Justice.

Section 18. *Date when this Act shall take effect.*—This Act shall take effect on its approval.

ACT OF NOVEMBER 30, 1928[1]

Section 1. The following new sections are hereby inserted between sections thirteen and fourteen of Act Numbered Twenty-nine hundred and twenty-seven:

"Sec. 13 (a). Any woman who is now or may hereafter be married to a citizen of the Philippine Islands, and who might herself be lawfully naturalized, shall be deemed a citizen of the Philippine Islands.

"Sec. 13 (b). Children of persons who have been duly naturalized under this law, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the Philippine Islands, be considered citizens thereof.

"Sec. 13 (c). Children of persons naturalized under this law who have been born in the Philippine Islands after the naturalization of their parents shall be considered citizens thereof."

Section 2. This Act shall take effect on its approval.

[1]Eighth Philippine Legislature, First Session, H. No. 523.

PORTO RICO[1]

UNITED STATES LAW OF APRIL 12, 1900[2]

Section 7. That all inhabitants continuing to reside therein who were Spanish subjects on the eleventh day of April, eighteen hundred and ninety-nine, and then resided in Porto Rico, and their children born subsequent thereto, shall be deemed and held to be citizens of Porto Rico, and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain on or before the eleventh day of April, nineteen hundred, in accordance with the provisions of the treaty of peace between the United States and Spain entered into on the eleventh day of April, eighteen hundred and ninety-nine; . . . [48 U. S. Code, § 733.]

UNITED STATES LAW OF MARCH 2, 1917[3]

Section 5. That all citizens of Porto Rico, as defined by section seven of the act of April twelfth, nineteen hundred, "temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," and all natives of Porto Rico who were temporarily absent from that island on April eleventh, eighteen hundred and ninety-nine, and have since returned and are permanently residing in that island, and are not citizens of any foreign country, are hereby declared, and shall be deemed and held to be, citizens of the United States: *Provided*, That any person hereinbefore described may retain his present political status by making a declaration, under oath, of his decision to do so within six months of the taking effect of this act before the district court in the district in which he resides, the declaration to be in form as follows:

"I, ... , being duly sworn, hereby declare my intention not to become a citizen of the United States as provided in the act of Congress conferring United States citizenship upon citizens of Porto Rico and certain natives permanently residing in said island."

In the case of any such person who may be absent from the island during said six months the term of this proviso may be availed of by transmitting a declaration, under oath, in the form herein provided within six months of the taking effect of this act to the executive secretary of Porto Rico: *And provided further*, That any person who is born in Porto Rico of an alien parent and is permanently residing in that island may, if of full age, within six months of the taking effect of this act, or if a minor, upon reaching his majority or

[1] For Article IX, Treaty between the United States and Spain, of December 10, 1898 (ratifications exchanged April 11, 1899), see ante, p. 617.

[2] 31 Stat. 79.

[3] 39 Stat. 953, 965.

within one year thereafter, make a sworn declaration of allegiance to the United States before the United States District Court for Porto Rico, setting forth therein all the facts connected with his or her birth and residence in Porto Rico and accompanying due proof thereof, and from and after the making of such declaration shall be considered to be a citizen of the United States. [8 U. S. Code, § 5.]

. . . . .

Section 41. That Porto Rico shall constitute a judicial district to be called "the district of Porto Rico." . . . The district court for said district shall be called "the District Court of the United States for Porto Rico," and . . . said district court shall have jurisdiction for the naturalization of aliens and Porto Ricans, and for this purpose residence in Porto Rico shall be counted in the same manner as residence elsewhere in the United States. . . . [48 U. S. Code, § 863.]

UNITED STATES LAW OF MARCH 4, 1927[1]

Section 2. That a new section is hereby inserted between sections 5 and 6 of the Act entitled "An Act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917, as amended, as follows:

"Section 5a. That all citizens of the United States who have resided or who shall hereafter reside in the island for one year shall be citizens of Porto Rico: *Provided*, That persons born in Porto Rico of alien parents, referred to in the last paragraph of section 5, who did not avail themselves of the privilege granted to them of becoming citizens of the United States, shall have a period of one year from the approval of this Act to make the declaration provided for in the aforesaid section: *And provided further*, That persons who elected to retain the political status of citizens of Porto Rico may within one year after the passage of this Act become citizens of the United States upon the same terms and in the same manner as is provided for the naturalization of native Porto Ricans born of foreign parents." . . . [8 U. S. Code (Supp. I), § 5a.]

[1] 44 Stat. 1418.

VIRGIN ISLANDS

TREATY BETWEEN THE UNITED STATES AND DENMARK, AUGUST 4, 1916[1]

(Ratifications exchanged January 17, 1917; Treaty proclaimed January 25, 1917)

Article 6. Danish citizens residing in said islands may remain therein or may remove therefrom at will, retaining in either event all their rights of property, including the right to sell or dispose of such property or its proceeds; in case they remain in the Islands, they shall continue until otherwise provided, to enjoy all the private, municipal and religious rights and liberties secured to them by the laws now in force. If the present laws are altered, the said inhabitants shall not thereby be placed in a less favorable position in respect to the above mentioned rights and liberties than they now enjoy. Those who remain in the islands may preserve their citizenship in Denmark by making before a court of record, within one year from the date of the exchange of ratifications of this convention, a declaration of their decision to preserve such citizenship; in default of which declaration they shall be held to have renounced it, and to have accepted citizenship in the United States; for children under eighteen years the said declaration may be made by their parents or guardians. Such election of Danish citizenship shall however not, after the lapse of the said term of one year, be a bar to their renunciation of their preserved Danish citizenship and their election of citizenship in the United States and admission to the nationality thereof on the same terms as may be provided according to the laws of the United States, for other inhabitants of the islands.

The civil rights and the political status of the inhabitants of the islands shall be determined by the Congress, subject to the stipulations contained in the present convention.

UNITED STATES LAW OF FEBRUARY 25, 1927[2]

That the following persons and their children born subsequent to January 17, 1917, are hereby declared to be citizens of the United States:

(a) All former Danish citizens who, on January 17, 1917, resided in the Virgin Islands of the United States, and are now residing in those islands or in the United States or Porto Rico, and who did not make the declaration required to preserve their Danish citizenship by article 6 of the treaty entered into on August 4, 1916, between the United States and Denmark, or who, having made such a declaration, have heretofore renounced or may hereafter renounce it by a declaration before a court of record;

[1] 39 Stat. 1711. [2] 44 Stat. 1234.

(b) All natives of the Virgin Islands of the United States who, on January 17, 1917, resided in those islands, and are now residing in those islands or in the United States or Porto Rico, and who are not citizens or subjects of any foreign country; and

(c) All natives of the Virgin Islands of the United States who, on January 17, 1917, resided in the United States, and are now residing in the Virgin Islands of the United States, and who are not citizens or subjects of any foreign country. [8 U. S. Code (Supp. I), § 5b.]

Section 2. The following persons, if not ineligible to citizenship, may, upon petition filed within one year after the effective date of this Act, and upon full and complete compliance with all other provisions of the naturalization laws, be naturalized without making a declaration of intention:

(a) All natives of the Virgin Islands of the United States who, on January 17, 1917, resided in those islands or in the United States, and who are now residing in those islands or in the United States or Porto Rico, and who are citizens or subjects of any foreign country;

(b) All natives of the Virgin Islands of the United States who, on January 17, 1917, resided in the United States, and are now residing in the United States or Porto Rico, and who are not citizens or subjects of any foreign country; and

(c) Except as otherwise provided in this section or in section 1, all persons who, on January 17, 1917, resided in the Virgin Islands of the United States, and are now residing in those islands, and who are not citizens of the United States. [8 U. S. Code (Supp. I), § 377a.]

Section 3. All persons born in the Virgin Islands of the United States on or after January 17, 1917 (whether before or after the effective date of this Act), and subject to the jurisdiction of the United States, are hereby declared to be citizens of the United States. [8 U. S. Code (Supp. I), § 5c.]

Section 4. The district court of the Virgin Islands of the United States shall have jurisdiction for naturalization purposes (including jurisdiction for the purpose of setting aside and canceling certificates of citizenship under section 15 of the Act entitled "An Act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906, as amended); and for the purpose of the naturalization laws residence in the Virgin Islands of the United States shall be considered as residence in the United States. [8 U. S. Code (Supp. I), § 358a.]

Section 5. Section 4 of the Act entitled "An Act to provide a temporary government for the West Indian Islands acquired by the United States from Denmark by the convention entered into between said countries on the 4th day of August, 1916, and ratified by the Senate of the United States on the 7th day of September, 1916, and for other purposes," approved March 3, 1917, is amended by striking out the figure "8" and inserting in lieu thereof the figure "6."

URUGUAY

EDITORS' NOTE. The Constitution of September 10, 1829, promulgated July 18, 1830,[1] provided that all free persons born in the republic acquired Uruguayan nationality (Article 7). Children born abroad of a Uruguayan father or mother acquired Uruguayan nationality from the time of their settling in the republic (Article 8). This constitution also provided for naturalization. Its provisions in regard to naturalization were modified by the decree of July 20, 1874.[2] A new constitution was promulgated on January 3, 1918, which provides for nationality at birth and naturalization. The decree of January 21, 1921[2] prescribes the manner in which passports may be issued to alien women married to Uruguayan citizens. The law of February 1, 1928 effects changes in the procedure for naturalization.

BIBLIOGRAPHY: Folleville, 658; Keller-Trautmann, 776; Lehr, 218; Schwartz, 106; Zeballos, I, 664.

For the text of the Constitution of July 13, 1830, in Spanish, see Carranza, *Digesto constitucional americano* (1910) 4; in English, Cit. Bd. Report (1906) 533. For the text of the Constitution of October 15, 1917, in Spanish, see *Diario oficial*, January 16, 1918; *Proyecto de Constitución* (1917); in French, see Clunet (1918) 905; Sarrailh, *Uruguay et sa nouvelle constitution*, 24.

CONSTITUTION OF JANUARY 3, 1918[3]

[TRANSLATION]

SECTION II

CHAPTER I.—ON CITIZENSHIP, ITS RIGHTS, SUSPENSION AND FORFEITURE

Article 6. The citizens of the Oriental Republic of Uruguay are native (*naturales*) or legal (naturalized).

Article 7. Nativie citzens are all those men (*hombres*) born in any part of the territory of the republic. The children (*hijos*) of a Uruguayan father or mother, whatever may have been the place of their birth, are also native citizens by residence in the country and registering in the civil register.

Article 8. The following are entitled to legal citizenship: married foreigners practicing any science, art or industry, or possessing some invested capital or property in the country, after three years' residence in the republic; unmarried foreigners filling those requirements and with four years' residence in the country; those on whom it may be conferred as a special privilege by the Assembly for meritorious work or for conspicuous worth.

CHAPTER III

Article 12. Citizenship will be suspended: (1) By reason of physical or mental unfitness, preventing free and reflective action, (2) During service as

[1] Lehr, 218. [2] Post.

[3] Text from enclosure with Despatch of November 21, 1928, from the American Minister to Uruguay to the Secretary of State.

a common soldier, (3) While undergoing legal prosecution in criminal causes from which penal servitude may result, (4) By reason of being under 18 years of age, (5) On account of a sentence imposing the penalty of banishment, imprisonment, penitentiary, or disqualification for the exercise of political rights during the period of the sentence.

Chapter IV

Article 13. Citizenship is forfeited by naturalization in another country; for reinstatement it will be sufficient to reside in the republic and inscribe in the civil register.

LAW OF JULY 20, 1874[1]

REGULATING CHAPTER I OF THE CONSTITUTION

[Translation]

Article 12. Public offices may be held by native or naturalized citizens, according to the provisions of the law. Exception is made of offices of a scientific or professional nature not pertaining to the judiciary branch, which may be held by either citizens or aliens alike. School teachers are also included in this exception.

DECREE OF JANUARY 21, 1921[2]

AUTHORIZING THE MANNER IN WHICH THE RESPECTIVE AUTHORITIES MAY ISSUE PASSPORTS TO AN ALIEN WOMAN MARRIED TO A URUGUAYAN CITIZEN

[Translation]

Considering that the practice in vogue has proven the necessity of contemplating the situation of the alien woman married to a Uruguayan citizen as regards the issuance of passports;

Whereas: Under express provisions of certain foreign legislation, a woman, at the time of marrying, takes the nationality of the husband, and consequently loses all rights to the aid and protection of the authorities of her country;

Whereas: The persons who have been and are in such circumstances apply to the authorities of the country of which the husband is a citizen for passports, which today are indispensable to travel, the result being that the consular officers of the republic and even the Minister of Foreign Affairs, on

[1] Text from enclosure with Despatch No. 334, November 22, 1924, from the American Minister to Uruguay to the Secretary of State.
This law, with the exception of Article 12, was repealed by Article 30 of the law of February 1, 1928, post, p. 621.

[2] Text from enclosure with Despatch No. 645, February 17, 1921 from the American Minister to Uruguay to the Secretary of State.

consulting the laws in force, have found that they cannot, according to law, issue said document of nationality, because the Uruguayan law does not recognize any other nationality to the wife than that of her birthplace;

Whereas: Notwithstanding the facts hereinbefore mentioned, the case in question must be solved in favor of the protection requested, because, if the law in force grants the citizen the assurance that, in and out of the country the respective authorities shall watch and protect his interests and even his family, the issuance of a passport may be considered precisely as coming under that heading;

Whereas: By declaring specifically that the passport is issued to the interested party as wife of a Uruguayan citizen (the passport) impliedly carries a record of the fact that the granting of same does not mean a recognition of nationality which, unless expressly determined by law, cannot be made by the administrative authorities.

The President of the republic resolves and decrees:

Article 1. The respective authorities authorized to issue passports may grant said document to an alien woman married to a Uruguayan citizen, and the Ministry of Foreign Affairs shall publish the statement contained in the respective document to the effect that it may not be invoked as a recognition of nationality.

Article 2. The competent authorities shall ascertain the identity of the applicant in the usual manner and besides shall require the furnishing of the necessary documents to prove the nationality of both husband and wife and their marriage certificate.

Article 3. The facility accorded by this decree shall apply to widows and unmarried daughters of Uruguayan citizens, who, due to the legislation of their countries of origin, have no other nationality than that of their husbands or fathers, respectively, and when in any case it is not considered that their former nationality has been restored.

LAW OF FEBRUARY 1, 1928[1]

[TRANSLATION]

Article 1. The adoption of legal Uruguayan citizenship does not necessitate the renunciation of the nationality of origin.

Article 2. When the breaking off of diplomatic relations between the republic and another state occurs, the status of the legal citizens who are nationals of that state will be determined by law, without their being compelled to perform military service against it in any instance whatsoever.

Article 3. Foreigners desirous of obtaining legal citizenship papers will

[1] Text from enclosure with Despatch No. 594, April 13, 1928, from the American Minister to Uruguay to the Secretary of State.

have to prove that they fulfil the conditions exacted by Article 8 of the Constitution by presenting the following proofs:

(a) Proof of age showing that the applicant is eighteen years of age or will be on the date of or before the next elections.
(b) Proof of residence showing that the applicant has resided habitually for three years in the country if the applicant proves he is married, or four years if he cannot prove he is married.
(c) Proof of establishment, showing profession of a given science, art or industry, or the possession of some working capital or property in the country.
(d) Proof of matrimony if the applicant is married. Lacking this proof, necessarily documentary, the applicant will have to abide by Article 7, final section.
(e) Proof of identity, showing that the name and patronymic data attributed in the corresponding application are those of the applicant.

Article 4. The proof of age will be by means of authentic documents from the country of origin or by national public instruments with exact data which justify that means. Lacking all or some of these documents a medical certificate will be presented establishing:

(1) That the applicant shows, without a doubt, to have the age referred to by the former clause, and
(2) the approximate age attributed to him by the doctor.

Article 5. Proof of residence will be furnished by documents which by precise references show arrival and continuous domicile in the country, such as passports, cedule of denizenship, rent receipts, lease contracts, etc. To this evidence must necessarily be added testimony of the witnesses. The testimony of witnesses will also be considered sufficient if the applicant gives the Court satisfactory reasons for not having submitted documents.

Article 6. Proof of establishment will be by certificates from institutions or corresponding officials which will certify to the profession of some science, art or industry, or the possession of property or working capital. National institutions and officials will be obliged to supply such certificates gratis. In default of documentary proof testimonial evidence will be allowed on the conditions foreseen in the last section of the foregoing article.

Article 7. Proof of marriage will be necessarily documentary. If the marriage has taken place in this country, the proof will consist of a certificate of the State Civil Registry or parish where necessary. If it has taken place in a foreign country the public means which in the country of origin certify marriage will be accepted, the validity of which will be decided by the Court. National public instruments containing precise references to the marriage of the applicant will also be accepted. Lacking sufficient documentary proof the applicant will have to prove that he has resided in the country for more than four years (Article 3, section b).

Article 8. Proof of identity, and testimonial proof in general, will be by declaration of at least two persons, who must be more than twenty-five years of age and registered.[1] The witnesses, on signing the affidavits, will have their right-hand thumb-print impression taken and will state the series and number of their registration.

Article 9. Application for citizenship must be presented to the Secretariat of the Electoral Court in Montevideo, and in the departments they can be presented to the Departmental Electoral Bureaus or to the Justice of the Peace of the section wherein the applicant resides, always provided that the Court of Justice has its seat in a locality other than the capital of the department. The applications, made out on forms supplied by the Electoral Court, will be signed by the applicant, if he knows how, carrying with it in every case the right-hand thumb-print. On the application must be set forth the name of the applicant, those of his parents, documentary proofs offered, and the names of the witnesses proposed. The delegates of the political parties will be allowed to act on behalf of citizens only as regards presentation of application.

The official receiving the application will note on it the date and hour of receipt and will give the applicant a ticket on which the date and hour for the preliminary hearing will be stated. This must be fixed for not sooner than the third and not later than the tenth day following that of the presentation in question. A duplicate of this ticket will be posted on the boards of the office or Court of Justice.

Article 10. The official receiving the application will make known to the local and departmental authorities of the political parties that have complied with Article 29, the date of the preliminary hearing, the name of the applicant, and a statement of the proofs submitted, and invite them to be present.

Article 11. On the date and hour fixed for the hearing the applicant will appear before the Secretariat of the Court, the Departmental Electoral Bureau or the Court of the Justice of the Peace, where necessary, submitting his documentary proofs.

All original documents presented as proofs will be returned to the applicant, always provided that he asks for them and has supplied copies of them.

If the documents are not in Spanish, translations will be attached, and they will not be returned until the proceedings have ended.

If the applicant or his witnesses do not appear, the office, on request, will be allowed to arrange a preliminary hearing up to three times, in accordance with Articles 9 and 10.

Article 12. The Secretariat of the Court, represented by the officials appointed by the Court, the Chief of the Departmental Electoral Bureau who must be assisted by the clerk of the Court, or, where necessary, the Jus-

[1] This refers to their having obtained voting permission.—TRANSLATOR.

tice of the Peace, and with the assistance of two witnesses to the proceedings, will receive the declarations of the applicant in accordance with the following questionnaire:

(a) Name of applicant.
(b) Names of parents, if he knows them.
(c) Country of origin, and, if he remembers, exact place of birth.
(d) Age, stating, if he remembers, exact date of birth.
(e) Period of residence in this country, stating whether continuous or interrupted, indicating in the second case the date and duration of interruptions.
(f) Date, place and manner of entry into country, indicating last place of residence.
(g) Present domicile and places in the country where he has resided since entry.
(h) Science, art, industry, or commerce he may practice, indicating where and when he has followed it.
(i) If married, name and nationality of wife.
(j) Name, age, and nationality of children, if any.
(k) If he cannot present documents referred to in Articles 5 and 6, an explanation of failure to present same.

Article 13. Following this, and in accordance with interrogatories to be made by the Court, the witnesses will declare as to the identity, and, when necessary, as to residence or establishment, stating in writing their names, domiciles, series and numbers of their registrations, giving their right-hand thumb-prints, and signing, provided they can do so.

Article 14. The applicant and the witnesses will be heard separately, no interruptions to be made by the delegates of the political parties, notwithstanding the provisions of Article 16. They will only be allowed to ask the officials to make the interrogations in accordance with this law.

Article 15. There will immediately be filled out a file card whose form will be drafted by the Court. This card will bear on the back the right thumb-print of the applicant.

Article 16. Observations made by the Delegates of the Parties will be made out in writing on separate pages which will be added to the record. They must be signed by the Delegate and the acting officials.

Article 17. The Secretariat of the Court, the Departmental Electoral Bureau, or, when it is necessary, the Justice of the Peace will give the applicant a document to certify that he has presented proof to justify his right to legal citizenship.

Article 18. Once the dossier has been initiated in this manner, it will be made public in the office for a period of ten days and put at the disposal of the Party Delegates, who will be able to make any observations which they deem advisable. In order to support their observations, the Delegates can ask the Police Courts through the medium of the Bureau, for the police records of the applicant or his witnesses. Upon the expiration of the period

the dossier will be sent to the Electoral Court within the following forty-eight hours.

Article 19. When the applications for legal citizenship have been received, the Electoral Court must state within twenty days whether the applicant has fulfilled the constitutional conditions and legal requirements for citizenship. The Electoral Court will be able at its discretion to consider its enlargement, will be able to order inquiries for further data and, if necessary, send back the applications to the Bureau that despatched them, and which within three days of receiving them will summon the interested parties to produce the new proofs required, and the procedure for obtaining citizenship will all be gone through again.

Article 20. Citizenship papers will be issued by the Secretariat of the Electoral Court of Montevideo, which will remit, against receipt, those corresponding to the other departments. Citizenship papers will be delivered to the bearer of the receipt referred to in Article 17 or to the applicant for the papers who appears personally.

Article 21. The dossiers of applications for citizenship papers will be kept by the Electoral Court, which will make two files of them; one of applications of persons who have obtained their papers and the other of applications refused.

Article 22. The Electoral Court, before giving a decision on applications for citizenship, will order to be attached to the dossier any data there might be regarding the person in question from the file of applications refused, and in its decision will take those data into account.

Article 23. The Electoral Court will publish a monthly list of the applications which have been acted upon during the month and will set forth the following information therein:

(1) Name of applicant.
(2) Age and civil status.
(3) Nationality of origin.
(4) Profession and domicile.
(5) Decision.

Article 24. Electoral officials or Justices of the Peace who do not comply with the obligations expressly stated in Articles 9, 10, 12, 13, and 18, will be punished, upon complaint, by fines of from 100 to 500 pesos, which will be imposed on the former by the Electoral Court which will order the General Accounting Office of the state to deduct the fines from their respective salaries, and, on the latter, by the High Court of Justice.

Electoral officials who again do not comply with the regulations will be dismissed, and Justices of the Peace will not be allowed to be reelected.

Article 25. Failure to comply with any of the obligations expressly imposed by the present law, the declaration of false statements, the furnishing of false proofs regarding identity, residence, profession, denizenship, or age,

for obtaining or cancelling citizenship papers or for application for same, the furnishing of the same proofs made by third persons, false testimony or certifying regarding identity, domicile, profession, age, or civil status of the persons that obtain or try to obtain citizenship papers, deliberate obstruction to the despatching of the applications for citizenship papers or cancellation of same, physical or moral violence exercised with a view to restraining or impeding the obtaining of citizenship papers, or the cancellation of same, the seizure, destruction, hiding, or alteration of archives, registers or documents of legal citizenship, will be misdemeanors comparable with those of the electoral misdemeanors as set forth in Article 194 of the Law of National Civil Registry, and will therefore be punished in the manner provided by Articles 195, 196, 197, 198, 199, 200, 201, 202, and 203 in conformity with the said Law of National Civil Registry.

Article 26. Articles 133 and 134 of the Law of National Civil Registry are amended to read as follows: "Article 133. With regard to Section 6 of Article 125, judgment for reconsideration of citizenship papers will be allowed to be initiated by petition." The applications to be sent in to the Secretariat of the Court (or?) the Electoral Bureaus which will deal with them in accordance with Articles 136 and 137 of the Law of National Civil Registry, transmitting them to the Electoral Court on expiration of the period of ten days referred to by Article 138. The Court must give its decision within twenty days. "Article 134. If as a result of the judgment it is evident that the beneficiary at the time of issue of the citizenship papers was not of the status decreed by Article 8 of the Constitution, the Court will declare his citizenship papers annulled, and its decision may not be appealed. This decision will be sufficient proof for the exclusion of the false citizen. In this case it will also be assumed that the beneficiary has committed the misdemeanor set forth in Article 1924, clauses Nos. 3 and 4, and he will be liable to the penalties prescribed by Article 195."

Article 27. The procuring of citizenship papers will be absolutely gratis as well as the obtaining of the certification of the documentary proofs required, on which it will be specified that they are valid only for that purpose. Articles 204 and 211 of the Law of National Civil Registry will apply to pertinent points of this matter.

Article 28. The Electoral Court is authorized to organize the system (*servicios*) necessitated by this law, arranging for the necessary employees and offices for complying with this law.

Article 29. At the offices of the Justices of the Peace a Register will be kept where the political parties will register their party denominations and the names of their local and departmental representatives appointed to carry out Article 10.

Article 30. The Law of July 20, 1874, with the exception of Article 12, and all provisions which are contrary to the present law, are repealed.

Temporary Provision

Persons who have taken steps to obtain citizenship before the promulgation of the present law may opt between continuing by judicial means or proceeding under the provisions of the present law. If this option is not availed of within a period of sixty days, it will be assumed that they have elected to follow the judicial procedure.

Applications for citizenship already filed and which are not acted on within a period of three months from the date of promulgation of this law, will be considered as renounced and will be filed in the respective Courts.

VATICAN CITY

LAW OF JUNE 7, 1929[1]

RELATIVE TO CITIZENSHIP AND SOJOURN

[TRANSLATION]

CHAPTER I.—CITIZENSHIP

1. Those who are citizens of the Vatican City are:

(a) The Cardinals residing in that City or in Rome;
(b) Those who have their fixed residence (*risiedono stabilmente*) in the Vatican City because of some dignity, appointment, office or employment, when such residence is required by law or regulation, or authorized by the Supreme Pontiff and for him by the Cardinal Secretary of State, in the case of a person in any way attached to the Pontifical Court or to any office mentioned in Article 2 of the fundamental law of the Vatican City, and by the Governor, in the case of any other person;
(c) Those who apart from the conditions set forth under the two foregoing subparagraphs are authorized by the Supreme Pontiff to have their fixed residence (*risiedere stabilmente*) in the Vatican City with the granting or maintaining of citizenship, for reasons to be weighed by the sovereign (the Pope).

2. Those who are likewise Vatican citizens are: the wife, children, ascendents, and brothers and sisters of a Vatican citizen, provided they are living with him and authorized to reside in the City of the Vatican, according to the rules laid down in the following articles.

3. The authorization referred to in the foregoing article is given by the Supreme Pontiff and for him by the Cardinal Secretary of State in the case of a person in any way attached to the Pontifical Court or to any office mentioned in Article 2 of the fundamental law of the Vatican City, and by the Governor, in the case of any other person.

4. The authorization for the wife and children may be given on the strength of the mere ascertainment of the relationship.

The authorization ceases according to law:

(a) For the wife, if the marriage is annulled or dissolved or again when separation has been decreed;
(b) For the sons, when they reach the age of twenty-five, unless they be disabled and necessarily dependent on the Vatican citizen;
(c) For the daughters when they marry.

[1] Text from *Rivista di Diritto Internazionale*, IX (1929) 292.

The sovereign powers of the Supreme Pontiff under Article 1, subparagraph c, and Article 16, as also those of the Governor, under Article 17, remain unaffected.

5. The authorization referred to in Article 3 with respect to ascendents, brothers and sisters, can not be given unless the aforesaid relatives are dependent on the Vatican citizen through the obligation to provide for their support (food).

The authorization ceases according to law in the case of brothers when they reach the age of twenty-five years unless they be disabled and in the case of sisters when they marry.

In every case the powers mentioned in the last paragraph of the previous article remain unaffected.

6. Vatican citizenship is lost:

(a) By the cardinals when for any reason they discontinue their residence in the Vatican City or in Rome;
(b) By any citizen when of his own will he abandons his residence in the aforesaid (Vatican) City;
(c) By the persons named under subparagraph b of Article 1 when they retire from the dignity, position, office, or employment by reason of which they were placed under the obligation or given permission to reside in the City itself;
(d) By any Vatican citizen whose residence in the aforesaid City depends on the authorizations named in the foregoing articles, when the authorization itself lapses according to law under those same articles or when the authorization is revoked.

In connection with the preservation of residence in the Vatican City and of the relative citizenship, when the latter is involved, the powers indicated in the last paragraph of Article 4 always remain unaffected.

7. Since the limited area of the Vatican City does not permit all the descendents and relatives of Vatican citizens with their new families to reside in the City itself, the Supreme Pontiff, for the purpose of promoting the creation of new families and the procreation of children, reserves for himself the right in each case and in his unquestionable sovereign judgment, to take measures for the new families that must leave the Vatican City, even through the concession, with favorable conditions, to use the apartments owned by the Holy See in the territory of the Kingdom of Italy.

8. Vatican citizenship is not lost through the mere fact of a temporary stay elsewhere unaccompanied by relinquishment of the dwelling in the Vatican City, or in the case of Cardinals, of their residence in Rome, or by other circumstances proving that the residence has been abandoned.

9. The authorizations contemplated in this chapter may be revoked at any time with equitable previous notice unless reasons of public order, service, morality or discipline demand immediate action.

10. The Governor shall keep a register of Vatican citizens in which shall be entered:

(a) The names of the Vatican citizens referred to under subparagraphs a, b and c of Article 1, giving the title by which they hold the aforesaid status;
(b) The authorizations provided in this chapter;
(c) The revocations thereof;
(d) The declarations of voluntary relinquishment of fixed residence;
(e) The evidence of the loss of Vatican citizenship under any other head whatsoever.

11. Vatican citizens must provide themselves with an identification card to be issued by the Governor in accordance with a procedure to be established by regulations. Upon producing the aforesaid card they may leave and enter the Vatican City without any other formality.

The Cardinals who are Vatican citizens and their suites, the Governor and such other persons as will be named in the regulations, are exempted from the obligation to provide themselves with an identification card.

VENEZUELA

EDITORS' NOTE. The Constitution of March 28, 1864 [1] maintained the principles found in previous constitutions.[2] Article 6 conferred Venezuelan nationality on all persons born or to be born in Venezuela. Children born abroad of Venezuelan parents acquired Venezuelan nationality, provided they established their domicile in the country and expressed their desire to acquire the nationality thereof. The decree of June 13, 1865 [3] dealt with naturalization. By a resolution of the Venezuelan Government of December 1, 1865,[4] domiciled foreigners were declared Venezuelans. This brought forth much diplomatic correspondence.

The law of May 3, 1882 [5] defines who are Venezuelans by birth under the Constitution of 1881. The latter constitution was replaced by that of April 9, 1891,[6] which contained the same principles as the Constitution of March 28, 1864 and also provided for naturalization. The Constitution of 1893 [7] likewise provided for naturalization. It also dealt with the nationality of children, born on a voyage, of Venezuelan parents. It was provided in Article 19 of the Civil Code of April 9, 1904 [8] that a Venezuelan woman who married an alien did not lose her nationality unless she acquired her husband's nationality according to the laws of his country. Article 18 of this code provided that an alien woman who married a Venezuelan acquired his nationality. The Constitution of April 27, 1904 [9] had an identical provision. It maintained the principles of previous constitutions.

The laws of June 13, 1865 and May 25, 1882 were repealed by the law of May 24, 1913,[10] which dealt with naturalization and the loss of nationality. The Civil Code of 1922 deals with nationality in Articles 18 to 22. There were also provisions concerning nationality in the Constitution of July 1, 1925.[11] The naturalization law of May 24, 1923 is repealed by the naturalization law of July 30, 1928. The provisions of the Constitution of May 23, 1928, relating to nationality are identical with those of the Constitution of July 1, 1925.[11]

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For comment and text of the Constitution of April 9, 1891, see *Ann. de lég. étr.* (1892) 987. For comment and text of the law of May 24, 1913, see *Ann. de lég. étr.* (1913) 586; *Rev. de dr. int. pr.* (1913) 981. For the text of the Civil Code of 1922, in Spanish, see *Codigo civil de los Estados Unidos de Venezuela* (1922) 9; *Ley de extranjeros de los Estados Unidos de Venezuela* (Pamphlet, 1923), text in Spanish, English, French, German and Italian. For the text of the Constitution of July 1, 1925, in Spanish, see *Constitución de los Estados Unidos de Venezuela* (1925); in English, see *Br. Parl. Papers*, Misc. No. 2. (1927), Cmd. 2852, 90.

[1] Zeballos, I, 675.
[2] There had been six constitutions prior to that of 1864, namely those of 1811; 1812; 1819; 1830; 1857, and 1858. Ibid.
[3] Cogordan, 535.
[4] Ibid; Zeballos, I, 676.
[5] Cit. Bd. Report (1906) 535.
[6] *Ann. de lég. étr.* (1892) 987.
[7] Zeballos, I, 680.
[8] Lehr, 223.
[9] Ibid.
[10] *Rev. de dr. int. pr.* (1913) 981.
[11] *Br. Parl. Papers*, Misc. No. 2 (1927), Cmd. 2852, p. 90.

CONSTITUTION OF MAY 29, 1929[1]

[TRANSLATION]

CHAPTER II. OF VENEZUELANS AND THEIR DUTIES AND RIGHTS

Article 27. Venezuelan nationality is had by birth and may be acquired by naturalization.

Article 28. Venezuelans by birth are:

(1) All those born on Venezuelan territory.

(2) The children of Venezuelan fathers, whatever may be the place of birth.

Article 29. Venezuelans by naturalization are:

(1) Children of legal age of a Venezuelan father or mother by naturalization, born without the territory of the republic, if they come to live in the country and express their wish to be Venezuelans.

(2) Those born, or who may be born, in Iberian-American Republics, provided that they shall have fixed their residence in the territory of the republic and expressed their wish to be Venezuelans.

(3) Foreigners who have obtained, or who may obtain, letters of naturalization according to law.

(4) A foreign woman married to a Venezuelan, while the married state is continued or when, in case of its dissolution and within one year following, she shall manifest her wish to remain a Venezuelan.

Article 30. The expressions of desire to which the preceding article refers shall be made before the Chief Registrar of the respective jurisdiction in which the person interested may have established residence, and the Registrar receiving these shall enter them in the appropriate protocol and shall forward a copy thereof to the Federal Executive for publication in the Official Gazette, after compliance with the procedure established by law.

Nationality shall not be deemed acquired so long as such publication shall not be effected.

CIVIL CODE OF JULY 13, 1922[2]

[TRANSLATION]

Article XVIII. Persons are Venezuelans or foreigners.

Article XIX. They are Venezuelans whom the Constitution of the republic declares such.

Article XX. Foreigners born in Venezuela have the same rights as Venezuelans, with the exceptions established or to be established. This does

[1] Text from enclosure with Despatch No. 1873, May 29, 1929, from the American Chargé d'Affaires at Caracas to the Secretary of State.

[2] Text from enclosure with Despatch No. 919, December 31, 1924, from the American Minister to Venezuela to the Secretary of State.

not impede the application of the foreign laws relative to the condition (*estado*) and capacity of the persons in the cases authorized by private international law.

Article XXI. A foreign woman who marries a Venezuelan acquires the nationality of her husband and keeps such for the duration of the union. If at the dissolution of the tie she should wish to continue being a Venezuelan, she shall so declare before the registrar of her residence during the first year of the termination of the tie.

Article XXII. A Venezuelan woman who marries a foreigner is considered a foreigner with respect to the personal rights of Venezuelans while she continues married, provided that through the marriage she acquires the nationality of her husband.

LAW OF JULY 13, 1928[1]

[TRANSLATION]

Article 1. Foreigners who have resided for two years in the territory of the republic may apply for naturalization papers.

This period shall not be required of foreigners who have done some important service for Venezuela or for humanity nor for those who have married Venezuelan women or who come here as immigrants under contract with the national government.

Article 2. The foreigner who desires to become naturalized must apply directly to the Federal Executive, through the Ministry of the Interior or through the President of the state or Governor of the federal territory wherein he resides, by means of a petition expressing his promise of fidelity to the Constitution and laws of the Union and accompanied by an authentication showing:

(1) That he fulfils the conditions in Article 1.
(2) That he is over twenty-one years of age and a major according to his country's laws.
(3) His condition (*estado*), profession and legal means of life.
(4) Number of minor children, legitimate or natural, who are under his jurisdiction or care.

Special paragraph. A woman married or separated from her husband shall further present the marital or judicial authorization in the case; and an incompetent person, a guardian's authorization or a judicial one, in conformity with the laws of his former respective nationality.

Article 3. Upon the application, the Federal Executive, if he sees fit, shall issue the naturalization papers by means of a decree, and the Minister of Foreign Affairs shall have them recorded in the appropriate register.

[1] Text from *Boletín del Ministerio de Relaciones Exteriores* (October 1928) 472.

Article 4. The effects of naturalization are purely individual; nevertheless:

(1) The minor children of a naturalized person shall enjoy the effects of the naturalization of the father or mother until their majority, and they shall continue to be considered Venezuelans unless they make a declaration to the contrary before the Federal Executive or before the diplomatic or consular agents of the republic abroad, within the year following their coming of age.

(2) The wife of a naturalized person may be included in his naturalization papers if she simply signs the petition referred to in Article 2 of this law.

Article 5. Nationality will not be considered acquired until after the publication of the decree of naturalization in the *Gaceta Oficial* of the United States of Venezuela and in no case shall it have retroactive effect.

Article 6. The widow of a foreigner dying after applying for naturalization may obtain it by merely signing the petition, provided, always, that the petition was made according to the Law and was accompanied by the proofs required by Article 2 referred to.

Article 7. Venezuelan nationality is lost by the full and voluntary acquisition of another nationality.

Special paragraph. A Venezuelan, naturalized abroad, and subsequently domiciled or residing in national territory for two consecutive years, is presumed to have abandoned the foreign nationality and resumes Venezuelan nationality.

Article 8. The alien minor children of a foreign woman who marries a Venezuelan shall acquire and lose nationality with their mother, in accordance with paragraph number 4 of Article 29 of the Constitution of the republic, but they shall have the right to choose either one or the other nationality by a mere declaration before the authorities mentioned in paragraph number 1 of Article 4 of this law and during the time indicated therein.

Article 9. Any change in nationality effected for the purpose of temporarily evading definite consequences of any legislation shall be considered fraudulent and null.

Special Provision

Article 10. The Federal Executive is especially authorized to dictate directions for the execution of this Law.

Final Provision

Article 11. The Naturalization Law of May 24, 1913 is repealed.

PART II

TREATIES, CONVENTIONS AND OTHER AGREEMENTS CONCERNING NATIONALITY AND MILITARY SERVICE

I. Multipartite

II. Bipartite

I. MULTIPARTITE TREATIES AND CONVENTIONS[1]

CONVENTION SIGNED AT RIO DE JANEIRO, AUGUST 13, 1906[2]

ARGENTINA, BRAZIL, CHILE, COLOMBIA, COSTA RICA, ECUADOR, GUATEMALA, HONDURAS, UNITED STATES OF MEXICO, NICARAGUA, PANAMA, EL SALVADOR, UNITED STATES OF AMERICA, URUGUAY

Article I. If a citizen, a native of any of the countries signing the present Convention, and naturalized in another, shall again take up his residence in his native country without the intention of returning to the country in which he has been naturalized, he will be considered as having reassumed his original citizenship, and as having renounced the citizenship acquired by the said naturalization.

Article II. The intention not to return will be presumed to exist when the naturalized person shall have resided in his native country for more than two years. But this presumption may be destroyed by evidence to the contrary.

Article III. This Convention will become effective in the countries that ratify it, three months from the dates upon which said ratifications shall be communicated to the Government of the United States of Brazil; and if it should be denounced by any one of them it shall continue in effect for one year more, to count from the date of such denouncement.

Article IV. The denouncement of this Convention by any one of the signatory States shall be made to the Government of the United States of Brazil and shall take effect only with regard to the country that may make it.

[1] For Article XV of the Convention as to protection in Morocco, signed at Madrid, July 3, 1880, see ante, p. 288.

[2] Text from *Treaties, Conventions, etc., between the United States and Other Powers*, III, 2882.

Ratified by: Argentina, May 31, 1911; Brazil, December 6, 1911; Chile, June 28, 1909; Colombia, August 29, 1908; Costa Rica, October 26, 1908; Ecuador (date not known); Guatemala, April 18, 1907, denounced June 13, 1913; Honduras, February 5, 1906; Mexico (date not known); Nicaragua (date not known) 1908; Panama, January 17, 1911; El Salvador, May 11, 1907; United States of America, February 25, 1908.

TREATY SIGNED AT VERSAILLES, JUNE 28, 1919[1]

BELGIUM, THE BRITISH EMPIRE, BOLIVIA, BRAZIL, CHINA, CUBA, CZECHOSLOVAKIA, ECUADOR, FRANCE, GREECE, GUATEMALA, HAITI, THE HEDJAZ, HONDURAS, ITALY, JAPAN, LIBERIA, NICARAGUA, PANAMA, PERU, POLAND, PORTUGAL, RUMANIA, THE SERB-CROAT-SLOVENE STATE, SIAM, URUGUAY, UNITED STATES OF AMERICA AND GERMANY

Article 278. Germany undertakes to recognize any new nationality which has been or may be acquired by her nationals under the laws of the Allied and Associated Powers and in accordance with the decisions of the competent authorities of these Powers pursuant to naturalization laws or under treaty stipulations, and to regard such persons as having, in consequence of the acquisition of such new nationality, in all respects severed their allegiance to their country of origin.[2]

TREATY SIGNED AT VERSAILLES, JUNE 28, 1919[3]

THE BRITISH EMPIRE, FRANCE, ITALY, JAPAN, UNITED STATES OF AMERICA AND POLAND

Article 4. Poland admits and declares to be Polish nationals *ipso facto* and without the requirements of any formality persons of German, Austrian, Hungarian or Russian nationality who were born in the said territory of parents habitually resident there, even if at the date of the coming into force of the present Treaty they are not themselves habitually resident there.

Nevertheless, within two years after the coming into force of the present Treaty, these persons may make a declaration before the competent Polish authorities in the country in which they are resident stating that they abandon Polish nationality, and they will then cease to be considered as Polish nationals. In this connection a declaration by a husband will cover his wife and a declaration by parents will cover their children under 18 years of age.

Article 6. All persons born in Polish territory who are not born nationals of another State shall *ipso facto* become Polish nationals.

[1] Text from *Treaties, Conventions, etc.*, III, 3329.
See treaty signed at Berlin, February 22, 1868, North German Union—United States, for footnote concerning the abrogation of the former naturalization treaties between the United States and German States, post, p. 660.

[2] The rights and advantages of this article are accorded to the United States by its treaty restoring friendly relations with Germany, concluded August 25, 1921 (42 Stat. 1939; *Treaties, Conventions, etc.*, III, 2596).

[3] Text from id., III, 3714.

TREATY SIGNED AT ST. GERMAIN-EN-LAYE SEPTEMBER 10, 1919[1]

BELGIUM, THE BRITISH EMPIRE, CHINA, CUBA, CZECHOSLOVAKIA, FRANCE, GREECE, ITALY, JAPAN, NICARAGUA, PANAMA, PERU, POLAND, PORTUGAL, RUMANIA, THE SERB-CROAT-SLOVENE STATE, SIAM, UNITED STATES OF AMERICA AND AUSTRIA

Article 64. Austria admits and declares to be Austrian nationals *ipso facto* and without the requirement of any formality all persons possessing at the date of the coming into force of the present Treaty rights of citizenship (pertinenza) within Austrian territory who are not nationals of any other State.

Article 65. All persons born in Austrian territory who are not born nationals of another State shall *ipso facto* become Austrian nationals.

Article 230. Austria undertakes to recognize any new nationality which has been or may be acquired by her nationals under the laws of the Allied and Associated Powers, and in accordance with the decisions of the competent authorities of these Powers pursuant to naturalization laws or under treaty stipulations, and to regard such persons as having, in consequence of the acquisition of such new nationality, in all respects severed their allegiance of their country of origin.[2]

TREATY SIGNED AT ST. GERMAIN-EN-LAYE SEPTEMBER 10, 1919[3]

THE BRITISH EMPIRE, FRANCE, ITALY, JAPAN, UNITED STATES OF AMERICA AND THE SERB-CROAT-SLOVENE STATE

Article 4. The Serb-Croat-Slovene State admits and declares to be Serb-Croat-Slovene nationals *ipso facto* and without the requirement of any formality persons of Austrian, Hungarian or Bulgarian nationality who were born in the said territory of parents habitually resident or possessing rights of citizenship (pertinenza, heimatrecht) as the case may be there, even if at the date of the coming into force of the present Treaty they are not themselves habitually resident or did not possess rights of citizenship there.

Nevertheless, within two years after the coming into force of the present Treaty, these persons may make a declaration before the competent Serb-Croat-Slovene authorities in the country in which they are resident, stating

[1] Text from *Treaties, Conventions, etc.*, III, 3149.
See convention signed at Vienna, September 20, 1870, Austria-Hungary and United States, for footnote concerning abrogation of the former naturalization treaty between Austria-Hungary and the United States, post, p. 670.

[2] The rights and advantages of this article are accorded to the United States by its treaty establishing friendly relations with Austria, concluded August 24, 1921 (42 Stat. 1946; *Treaties, Conventions, etc.*, III, 2493).

[3] Text from id., III, 3731.

that they abandon Serb-Croat-Slovene nationality, and they will then cease to be considered as Serb-Croat-Slovene nationals. In this connection a declaration by a husband will cover his wife, and a declaration by parents will cover their children under eighteen years of age.

Article 6. All persons born in the territory of the Serb-Croat-Slovene State who are not born nationals of another State shall *ipso facto* become Serb-Croat-Slovene nationals.

TREATY SIGNED AT ST. GERMAIN-EN-LAYE SEPTEMBER 10, 1919[1]

THE BRITISH EMPIRE, FRANCE, ITALY, JAPAN, UNITED STATES OF AMERICA AND CZECHOSLOVAKIA

Article 4. Czecho-Slovakia admits and declares to be Czecho-Slovak nationals *ipso facto* and without the requirement of any formality persons of German, Austrian or Hungarian nationality who were born in the territory referred to above of parents habitually resident or possessing rights of citizenship (pertinenza-heimatrecht) as the case may be there, even if at the date of the coming into force of the present Treaty they are not themselves habitually resident or did not possess rights of citizenship there.

Nevertheless within two years after the coming into force of the present Treaty these persons may make a declaration before the competent Czecho-Slovak authorities in the country in which they are resident stating that they abandon Czecho-Slovak nationality, and they will then cease to be considered as Czecho-Slovak nationals. In this connection a declaration by a husband will cover his wife, and a declaration by parents will cover their children under eighteen years of age.

Article 6. All persons born in Czecho-Slovak territory who are not born nationals of another State shall *ipso facto* become Czecho-Slovak nationals.

TREATY SIGNED AT NEUILLY-SUR-SEINE NOVEMBER 27, 1919[2]

BELGIUM, THE BRITISH EMPIRE, CHINA, CUBA, CZECHOSLOVAKIA, FRANCE, GREECE, THE HEDJAZ, ITALY, JAPAN, POLAND, PORTUGAL, RUMANIA, THE SERB-CROAT-SLOVENE STATE, SIAM, UNITED STATES OF AMERICA AND BULGARIA

Article 51. Bulgaria admits and declares to be Bulgarian nationals *ipso facto* and without the requirements of any formality all persons who are habitually resident within Bulgarian territory at the date of the coming into force of the present Treaty and who are not nationals of any other State.

[1] Text from *Treaties, Conventions, etc.*, III, 3699.
[2] Text from 5 *League of Nations Treaty Series*, 336.

Article 52. All persons born in Bulgarian territory who are not born nationals of another State shall *ipso facto* become Bulgarian nationals.

TREATY SIGNED AT PARIS, DECEMBER 9, 1919[1]

THE BRITISH EMPIRE, FRANCE, ITALY, JAPAN, UNITED STATES OF AMERICA AND RUMANIA

Article 4. Rumania admits and declares to be Rumanian nationals *ipso facto* and without the requirement of any formality persons of Austrian or Hungarian nationality who were born in the territory transferred to Rumania by the Treaties of Peace with Austria and Hungary or subsequently transferred to her, of parents habitually resident there, even if at the date of the coming into force of the present Treaty they are not themselves habitually resident there.

Nevertheless, within two years after the coming into force of the present Treaty these persons may make a declaration before the competent Rumanian authorities in the country in which they are resident, stating that they abandon Rumanian nationality, and they will then cease to be considered as Rumanian nationals. In this connection a declaration by a husband will cover his wife and a declaration by parents will cover their children under 18 years of age.

Article 6. All persons born in Rumanian territory who are not born nationals of another State shall *ipso facto* become Rumanian nationals.

TREATY SIGNED AT TRIANON, JUNE 4, 1920[2]

BELGIUM, THE BRITISH EMPIRE, CHINA, CUBA, CZECHOSLOVAKIA, FRANCE, GREECE, ITALY, JAPAN, NICARAGUA, PANAMA, POLAND, PORTUGAL, RUMANIA, THE SERB-CROAT-SLOVENE STATE, SIAM, UNITED STATES OF AMERICA AND HUNGARY

Article 56. Hungary admits and declares to be Hungarian nationals *ipso facto* and without the requirement of any formality all persons possessing at the date of the coming into force of the present Treaty rights of citizenship (pertinenza) within Hungarian territory who are not nationals of any other State.

Article 57. All persons born in Hungarian territory who are not born nationals of another State shall *ipso facto* become Hungarian nationals.

Article 213. Hungary undertakes to recognize any new nationality which has been or may be acquired by her nationals under the laws of the Allied

[1] Text from *Treaties, Conventions, etc.*, III, 3724.
[2] Id. 3539.
See convention between the United States and the Austro-Hungarian Empire for footnote concerning abrogation of the same, post, p. 670.

and Associated Powers, and in accordance with the decisions of the competent authorities of these powers pursuant to naturalization laws or under treaty stipulations, and to regard such persons as having, in consequence of the acquisition of such new nationality, in all respects severed their allegiance to their country of origin.[1]

CONVENTION SIGNED AT ROME, APRIL 6, 1922[2]

Austria, Czechoslovakia, Hungary, Italy, Poland, Rumania, The Serb-Croat-Slovene State

[Translation]

Article 1. The ways of acquiring or losing nationality are regulated by the law of each state.

Article 2. In intercourse among the High Contracting Parties nationality shall be proved by a certificate issued by the competent authority according to the law of each state and visaed by the authority to which the above-mentioned authority is subject. The certificate shall show the legal basis of the nationality which it attests. Each of the High Contracting Parties may, however, whenever it considers it necessary, require that the contents of the certificate be certified by the central authority of the state.

Article 3. The High Contracting Parties bind themselves reciprocally to notify one another of the list of authorities competent to issue and visa the certificate mentioned in the foregoing article.

Article 4. In case of dispute among the High Contracting Parties as to the nationality to be attributed, according to the Treaties of Saint-Germain and of Trianon, to a national of the former Austrian Empire or to a national of the former Kingdom of Hungary, a Commission composed of one delegate from each of the High Contracting Parties interested and of a chairman elected by common consent by the said Parties, and in case of disagreement by the President of the Swiss Confederation from among the nationals of a state other than the Contracting Parties—the periods determined for the exercise of the right of election or option having expired—shall decide the controversy. In case of disagreement among the delegates, the chairman shall make the decision.

The decision made shall in every case be final.

The above provisions do not in any way modify the provisions and regulations of the Treaties of Saint-Germain and of Trianon and, particularly, the provisions of Articles 81 and 230 of the Treaty of Saint-Germain and of Articles 65 and 213 of the Treaty of Trianon, nor the provi-

[1] The rights and advantages of this article are accorded to the United States by its treaty establishing friendly relations with Hungary, concluded on August 29, 1921 (42 Stat. 1951; *Treaties, Conventions, etc.*, III, 2693).

[2] Text from *Bundesgesetzblatt*, No. 175 (1924).

sions of special conventions concluded or to be concluded among the states interested, especially those of the convention between Austria and Czechoslovakia signed at Brunn, June 7, 1920.

TREATY SIGNED AT WASHINGTON, FEBRUARY 7, 1923[1]

COSTA RICA, GUATEMALA, HONDURAS, NICARAGUA, EL SALVADOR

[TRANSLATION]

Article VI. The nationals of one of the contracting parties, residing in the territory of any of the others, shall enjoy the same civil rights as are enjoyed by those of the respective country. They shall be considered as citizens in the country of their residence, if they manifest their desire to be such and meet the conditions required by the corresponding laws on the subject.

Those who are not naturalized shall at all times be exempt from all military service without the previous consent of their government, except in case of international war with a country other than one of the Central American Republics. Furthermore, they shall be exempt from every compulsory loan or military requisition and they shall not be obliged for any reason to pay higher taxes or assessments, ordinary or extraordinary, than those paid by nationals.

CONVENTION SIGNED AT HABANA, FEBRUARY 20, 1928[2]

ARGENTINA, BOLIVIA, BRAZIL, CUBA, CHILE, COSTA RICA, COLOMBIA, DOMINICAN REPUBLIC, ECUADOR, GUATEMALA, HAITI, HONDURAS, MEXICO, NICARAGUA, PARAGUAY, PERU, EL SALVADOR, URUGUAY, VENEZUELA

Article 1. The contracting republics accept and put into force the code of private international law annexed to the present convention.

Article 2. The provisions of this code shall be applicable only among the contracting republics and among the other states which adhere to it in the manner hereinafter provided.

Article 3. Each one of the contracting republics, when ratifying the present convention, may declare that it reserves acceptance of one or more articles of the annexed code, and the provisions to which the reservation refers shall not be binding upon it.

[1] Text from *La Gaceta* of Nicaragua, April 25, 1923.

Ratified by: Costa Rica, November 24, 1924; Guatemala, May 28, 1924; Honduras, March 2, 1925; Nicaragua, March 15, 1923; El Salvador, May 26, 1925.

[2] Text from Final Act of the Sixth International Conference of American States.

On November 16, 1929 ratifications of the following countries had been deposited with the Pan American Union: Brazil, Cuba, Dominican Republic, Guatemala, Haiti, Panama, Peru.

Article 4. The code shall go into force, for the republics which ratify it, thirty days after the deposit of the respective ratification, provided it has been ratified by at least two of them.

Article 5. The ratification shall be deposited in the office of the Pan American Union, which shall transmit copy thereof to each of the contracting republics.

Article 6. Non-contracting states or international juristic persons desiring to adhere to this convention, and in whole or in part to the annexed code, shall notify the office of the Pan American Union, which in its turn shall inform all the existing contracting or adhering states. Six months thereafter the state or international juristic person interested may deposit in the office of the Pan American Union the instrument of adherence, and shall be reciprocally bound by this convention thirty days after the adherence with regard to all those governed thereby who have not made within that period any reservation concerning the requested adherence.

Article 7. Any American republic bound by this convention which desires to modify in whole or in part the annexed code shall present the corresponding proposal to the International Conference of American States for the proper resolution.

Article 8. If any of the contracting or adhering international juristic persons should wish to denounce the present convention, it shall notify the denunciation in writing to the office of the Pan American Union, which shall immediately transmit a certified literal copy of the notification to the others, informing them of the date on which it was received.

The denunciation shall take effect only in respect to the contracting party which has notified it, and a year after it has been received in the office of the Pan American Union.

Article 9. The office of the Pan American Union shall keep a register of the dates of deposit of ratifications, and receipt of adhesions and denunciations, and shall issue certified copies of said register to every contracting party requesting it.

In testimony whereof the plenipotentiaries sign the present convention and affix thereto the seal of the Sixth International Conference of American States.

Done at the city of Habana, Republic of Cuba, on the twentieth day of February one thousand nine hundred and twenty-eight, in four copies, written respectively in Spanish, French, English, and Portuguese, which shall be deposited in the office of the Pan American Union in order that it may send a certified copy of all to each of the signatory Republics.

[ANNEX TO THE CONVENTION OF FEBRUARY 20, 1928]

CODE OF PRIVATE INTERNATIONAL LAW[1]

PRELIMINARY TITLE

General Rules

Article 1. Foreigners belonging to any of the contracting states enjoy, in the territory of others, the same civil rights as are granted to nationals.

Each contracting state may, for reasons of public order, refuse or subordinate to special conditions, the exercise of certain civil rights by the nationals of the remaining states and any of the latter states may in such cases refuse or subordinate to special conditions the same exercise to the nationals of the former.

Article 2. Foreigners belonging to any of the contracting states shall also enjoy in the territory of the others identical individual guaranties with those of nationals, except as limited in each of them by the constitution and the laws.

Identical individual guaranties do not include, unless especially provided in the domestic legislation, the exercise of public functions, the right of suffrage, and other political rights.

Article 3. For the exercise of civil rights and the enjoyment of identical individual guaranties, the laws and regulations in force in each contracting state are deemed to be divided into the three following classes:

I. Those applying to persons by reason of their domicile or their nationality and following them even when they go to another country, termed personal or of an internal public order;

II. Those binding alike upon all persons residing in the territory, whether or not they are nationals, termed territorial, local, or of an international public order;

III. Those applying only through the expression, interpretation, or presumption of the will of the parties or of one of them, termed voluntary or of a private order.

Article 4. Constitutional precepts are of an international public order.

Article 5. All rules of individual and collective protection, established by political and administrative law, are also of an international public order, except in case of express provisions therein enacted to the contrary.

Article 6. In all cases not provided for in this code each one of the contracting states shall apply its own definition to the juridical institutions or relationships corresponding to the groups of laws mentioned in Article 3.

Article 7. Each contracting state shall apply as personal law that of the domicile or that of the nationality or that which its domestic legislation may have prescribed, or may hereafter prescribe.

[1] Known as the "Bustamante Code."

Article 8. The rights acquired under the rules of this code shall have full extraterritorial force in the contracting states, except when any of their effects or consequences is in conflict with a rule of an international public order.

BOOK I

International Civil Law

Title 1. Persons

Chapter I.—*Nationality and naturalization*

Article 9. Each contracting party shall apply its own law for the determination of the nationality of origin of any individual or juristic person and of its acquisition, loss and recuperation thereafter, either within or without its territory, whenever one of the nationalities in controversy is that of the said state. In all other cases the provisions established in the remaining articles of this chapter shall apply.

Article 10. In questions relating to nationality of origin in which the state in which they are raised is not interested, the law of that one of the nationalities in issue in which the person concerned has his domicile shall be applied.

Article 11. In the absence of that domicile, the principles accepted by the law of the trial court shall be applied in the case mentioned in the preceding article.

Article 12. Questions concerning individual acquisition of a new nationality shall be determined in accordance with the law of the nationality which is supposed to be acquired.

Article 13. In collective naturalizations, in case of the independence of a state, the law of the acquiring or new state shall apply, if it has established in the territory an effective sovereignty which has been recognized by the state trying the issue, and in the absence thereof that of the old state, all without prejudice to the contractual stipulations between the two interested states, which shall always have preference.

Article 14. In the case of loss of nationality, the law of the lost nationality should be applied.

Article 15. Resumption of nationality is controlled by the law of the nationality which is resumed.

Article 16. The nationality of origin of corporations and foundations shall be determined by the law of the state which authorizes or approves them.

Article 17. The nationality of origin of associations shall be the nationality of the country in which they are constituted, and therein they shall be registered or recorded if such requisite is demanded by the local legislation.

Article 18. Unincorporated civil, commercial, or industrial societies or companies shall have the nationality provided by the articles of association, or, in an applicable case, that of the place where its principal management or governing body is habitually located.

Article 19. With respect to stock corporations, nationality shall be determined by the articles of incorporation or, in an applicable case, by the law of the place where the general meeting of shareholders is normally held, and in the absence thereof, by the law of the place where its principal governing or administrative board or council is located.

Article 20. Change of nationality of corporations, foundations, associations and partnerships, except in cases of change of territorial sovereignty, should be subject to the conditions required by their old law and by the new.

In case of change in the territorial sovereignty, owing to independence, the rule established in Article 13 for collective naturalizations shall apply.

Article 21. The provisions of Article 9, in so far as they concern juristic persons, and those of Articles 16 and 20, shall not be applied in the contracting states which do not ascribe nationality to juristic persons.

Chapter II.—*Domicile*

Article 22. The concept, acquisition, loss and recovery of general or special domicile of natural or juristic persons shall be governed by the territorial law.

Article 23. The domicile of diplomatic officers and that of individuals temporarily residing abroad in the employment or commission of their government or for scientific or artistic studies, will be the last one they had in their national territory.

Article 24. The legal domicile of the head of the family extends to the wife and children, except children who have reached their majority or have been emancipated, and that of the tutor or guardian extends to the minors or incapables under his guardianship unless otherwise provided by the personal legislation of those to whom the domicile of another is ascribed.

Article 25. Questions relating to change of domicile of natural or juridical persons shall be determined in accordance with the law of the court, if it is that of one of the interested states, otherwise they shall be determined by the law of the place in which it is alleged they have acquired their last domicile.

Article 26. For persons having no domicile the place of their residence or, where they may happen to be, shall be considered as such.

II. BIPARTITE TREATIES, CONVENTIONS AND AGREEMENTS[1]

GREAT BRITAIN—GUATEMALA

AGREEMENT OF JANUARY–APRIL 1859[2]

[TRANSLATION]

(1) *British note to the Government of Guatemala*

BRITISH LEGATION, GUATEMALA,
January 4, 1859.

SIR: After our conversation, in the month of July last, on the subject of the nationality of the children of British subjects born in these countries, I applied to Her Majesty's Government for a copy of the despatch addressed with reference to this matter by the Earl of Clarendon to Mr. Christie, our Representative in the Argentine Confederation, extracts from which were published in a Chilian newspaper, called the "Ferro-carril," on the 5th of May last, and again reproduced in the "Guatemala Gazette," No. 49, of the 8th of July, 1858.

By last mail from England I received a copy of this document, which enters so fully into the matter in question, that I cannot do better than communicate to you its substance, with a view of thereby so elucidating this subject as to enable us to arrive at a just and equitable arrangement as between your Government and that of Her Majesty, for clearly defining the immunities and obligations of the children of English parents born within the territories of the Republic, so as to avoid for the future any possibility of a disagreement with reference to the position of such persons residing here, which I feel convinced you will agree with me in thinking it of importance, should be clearly defined with as little unnecessary delay as possible.

By the general law of England, children of whatsoever parentage born in the Queen's dominions are British subjects by birth, and are in England entitled to the privileges and liable to the obligations of this status; and it is obvious that whilst Great Britain thus considers the children of foreigners born within her territory as being British subjects by birth, she cannot consistently object to a similar application of the same principle by foreign countries.

With reference, for instance, to the obligation of military service on the

[1] For Article III of the treaty between the United States and Russia of March 30, 1867, concerning Alaska, see ante, p. 578. For Article IX of the treaty between the United States and Spain of December 10, 1898, concerning the Philippine Islands, see ante, p. 617. For Article 6 of the treaty between the United States and Denmark of August 4, 1918, concerning the Virgin Islands, see ante, p. 625.

[2] Text from 63 *Br. and For. St. Papers*, 274. Similar agreements were made by Great Britain in 1859 with Nicaragua, Costa Rica, El Salvador, and Honduras (Id. 273 *et seq.*)

sons of British subjects born abroad, it would appear, therefore, that Her Majesty's Government are not in a position to claim exemption for them from such service, upon the grounds of abstract right. But Her Majesty's Government considers that the case is one where the objects desired may possibly be obtained by amicable negotiation, and I have accordingly been desired by the Earl of Malmesbury, with this object in view, to convey to the Government of Guatemala the view of Her Majesty's Government on the subject.

It is to be remembered, as regards the usage in force in England, that for upwards of 40 years past, foreigners, and their children born there, have been in practice wholly exempt from all compulsory military service in Great Britain and Ireland. But without attaching too much weight to this point, it is to be observed that, even in the event of compulsory military service, such, for instance, as the occasion of a ballot for the English Militia being resorted to, provision is made to enable the person selected, or drawn for such service, to find a substitute.

Actual personal compulsory military service, such as exists in these countries, neither is nor can be exacted in Great Britain and Ireland; and in this respect, at all events, Her Majesty's Government are entitled to claim reciprocity at the hands of the Guatemala Government. But reviewing the question as one of policy, it is difficult to believe that the Government of Guatemala could find any advantage to be derived by the forced military services of persons so situated which would not be counterbalanced by the disadvantages that would undoubtedly result from the existence of such a state of permanent discontent and such an absence of confidence in their position on the part of the British community here, as must naturally affect the commercial relations between the two countries. But, be this as it may, it is evident that a state of things under which British subjects residing here would be in the enjoyment of certain immunities from which their children born in Guatemala would be debarred, must of itself tend to create embarrassments, and to originate inconvenient discussions between the two Governments. And considering the probable connection in the business and pursuits of persons being members of the same family, and the consequent difficulty in dealing on distinct and opposite principles with the interests of parent and child, and considering also the peculiar circumstances of these countries, where civil wars are so frequent, and where the entanglements of military service are likely to be more specially irksome, it would seem impossible to deny that the principle involved in the compulsory military service would lead to serious international complications of various kinds, and that cases would occur in which Her Majesty's Government would scarcely see with indifference the sons of British parents, and connected with England by any tie but that of birth or temporary residence, compelled to serve in a civil war or political revolt, and thus probably forced into actual

opposition to the interests of their own parents, who would enjoy the immunities and be entitled to the privileges of British subjects.

Looking at the question, therefore, in this point of view, Her Majesty's Government trust that the Government of Guatemala may find means whereby these complications may be avoided, and the sons of English parents born here be relieved from a compulsory service of an oppressive and vexatious character.

If the Government of Guatemala should consent that such persons should be exempt from military service during their minority or when actually engaged in trade, and paying taxes as householders, or if they should be allowed to find substitutes for their personal services, Her Majesty's Government are of opinion that a question, which will naturally be the cause of great alarm and anxiety to the British community in Central America, may be settled on a fair basis, and in a manner conducive to the interests of both Governments. Trusting in the friendly disposition and the upright views of the actual Government of this Republic, I do not doubt that such a solution may be arrived at, and it will be peculiarly gratifying to me that this is the case whereby the amicable relations existing between our respective Governments cannot fail to be strengthened and rendered permanently secure.

I have, &c., C. LENNOX WYKE

DON PEDRO DE AYCIMENA, &c.

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(2) *Decree of the President of Guatemala—Guatemala, April 5, 1859*

The President having taken into consideration the correspondence which has taken place between the Minister for Foreign Affairs and Her Britannic Majesty's Legation, relative to the desire expressed by Her Majesty's Government, that certain concessions might be made in regard to military service to the sons of British subjects born in this Republic; and having paid due attention to the just motives expressed in the despatch addressed by the Chargé d'Affaires to the Minister for Foreign Affairs on the 4th January of the present year, has thought proper to establish as a general rule that Guatemalans, sons of British subjects born within the territory of the Republic, and who are obliged to comply with all the duties of the natives, shall not, however, be compelled to forced military service while they are under the age of 21 years; and that in all cases they shall be allowed to give a substitute, presenting to that effect an able person who must not be in actual military service.

Let it be communicated.

(Sanctioned by the President.)

GUATEMALA, *April 5, 1859.* (L. S.) PEDRO DE AYCIMENA

EL SALVADOR—SPAIN

EXCHANGE OF NOTES, JUNE 15, 1866[1]

[TRANSLATION]

LEGATION OF SALVADOR IN SPAIN.
MADRID, *June 15, 1866.*

M. LE MINISTRE,

In the Treaty concluded at this Court on the 24th of June last year, between Her Majesty the Queen of Spain and the Republic of El Salvador, the ratifications of which I have had the honour of exchanging this day with your Excellency, nothing has been stipulated respecting the nationality of the children of Spaniards born in the territory of the Republic of El Salvador, and of the children of Salvadoreans born in the dominions of Spain, which shows that the two Governments have considered that the provisions on nationality in their respective Constitutions and laws will continue to be observed in each country.

Notwithstanding this understanding, in order that no difficulty may at any time occur thereupon, and in order to maintain under all circumstances and to consolidate the friendly relations and close union which ought to exist between the two nations, His Excellency the President of El Salvador has directed me to declare in his name, on the exchange of the ratifications, that he agrees that to determine the nationality of the children of Spaniards born in the territory of the Republic of El Salvador, and of the children of Salvadoreans born in Spain and her dominions, the provisions contained in their respective Constitutions and laws at present in force, shall be observed; at the same time he has charged me to solicit from Her Majesty the Queen a similar declaration, so that these declarations may serve as a rule in any case which may occur in time to come.

In making hereby the declaration with which I have been charged, I flatter myself that the Government of Her Majesty the Queen will accept it, and will make a similar declaration on its own part in answer to this official letter, so that the perfect agreement of the two Governments on this matter may remain on record.

Accept, your Excellency, M. le Ministre, the assurances of the esteem and high consideration with which I am your Excellency's very obedient humble servant,

VR. HERRAN.

THE MINISTER FOR FOREIGN AFFAIRS
TO HER CATHOLIC MAJESTY.

[1] Text from 58 *Br. and For. St. Papers*, 1255.

MINISTRY OF FOREIGN AFFAIRS,
PALACE, *15th June, 1866.*

SIR:

As the wishes of Her Majesty's Government coincide with those which you have been pleased to state in your note of this day, on the subject of endeavoring to remove for the future any difficulty which might arise for want of an express stipulation on the nationality of the children of Spaniards born in the territory of the Republic which you worthily represent, and that of the children of Salvadoreans born in Spain; and as it is highly satisfactory to the Government also that the relations between the two countries should be established upon solid bases of fitting reciprocity, we accept the principle that to determine the nationality of the children of Spaniards or of Salvadoreans in the respective cases already referred to, attention should be paid, in each country, as may be suitable, to the provisions contained in its political Constitution or fundamental law at present in force.

I avail myself of this opportunity to repeat to you the assurances of my most distinguished consideration.

M. BERMUDEZ DE CASTRO.

THE PLENIPOTENTIARY OF THE
REPUBLIC OF SALVADOR.

NORTH GERMAN UNION—UNITED STATES OF AMERICA

TREATY SIGNED AT BERLIN, FEBRUARY 22, 1868[1]

Not in force[2]

Article I. Citizens of the North German Confederation, who become naturalized citizens of the United States of America and shall have resided uninterruptedly within the United States five years, shall be held by the North German Confederation to be American citizens, and shall be treated as such.

Reciprocally: citizens of the United States of America who become naturalized citizens of the North German Confederation, and shall have resided uninterruptedly within North Germany five years, shall be held by the United States to be North German citizens, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

This article shall apply as well to those already naturalized in either country as those hereafter naturalized.

[1] Text from *Treaties, Conventions, etc.*, II, 1298.

[2] Article 289 of the Treaty of Versailles, rights and advantages of which were accorded to the United States by its treaty restoring friendly relations with Germany, concluded August 25, 1921, provides that all bilateral treaties between Germany and each of the Allied or Associated Powers are and shall remain abrogated unless notice of revival is given by the particular Allied or Associated Power concerned. The United States did not give notice of the revival of this Convention within the prescribed period.

Article II. A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration; saving, always, the limitation established by the laws of his original country.

Article III. The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part and Prussia and other States of Germany on the other part, the sixteenth day of June, one thousand eight hundred and fifty-two, is hereby extended to all the States of the North German Confederation.

Article IV. If a German naturalized in America renews his residence in North Germany, without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally: if an American naturalized in North Germany renews his residence in the United States, without the intent to return to North Germany, he shall be held to have renounced his naturalization in North Germany.

The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

BAVARIA—UNITED STATES OF AMERICA

TREATY SIGNED AT MUNICH, MAY 26, 1868[1]

Not in force[2]

Article I. Citizens of Bavaria, who have become, or shall become, naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States five years, shall be held by Bavaria to be American citizens, and shall be treated as such.

Reciprocally: citizens of the United States of America who have become, or shall become, naturalized citizens of Bavaria, and shall have resided uninterruptedly within Bavaria five years, shall be held by the United States to be Bavarian citizens, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

Article II. A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, saving always the limitation established by the laws of his original country, or any other remission of liability to punishment.

Article III. The convention for the mutual delivery of criminals, fugi-

[1] Text from *Treaties, Conventions, etc.*, I, 60.

[2] See footnote to the treaty signed at Berlin, February 22, 1868, North German Union—United States of America, ante, p. 660.

tives from justice, in certain cases, concluded between the United States on the one part, and Bavaria on the other part the twelfth day of September, one thousand eight hundred and fifty-three, remains in force without change.

Article IV. If a Bavarian, naturalized in America, renews his residence in Bavaria, without the intent to return to America, he shall be held to have renounced his naturalization in the United States.

Reciprocally, if an American, naturalized in Bavaria, renews his residence in the United States, without the intent to return to Bavaria, he shall be held to have renounced his naturalization in Bavaria.

The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

PROTOCOL

The undersigned met to-day to sign the treaty agreed upon in conformity with their respective full powers, relating to the citizenship of those persons who emigrate from Bavaria to the United States of America, and from the United States of America to Bavaria; on which occasion the following observations, more exactly defining and explaining the contents of this treaty, were entered in the following protocol:

I. Relating to the First Article of the Treaty

1. Inasmuch as the copulative "and" is made use of, it follows, of course, that not the naturalization alone, but an additional five years' uninterrupted residence is required, before a person can be regarded as coming within the treaty; but it is by no means requisite that the five years' residence should take place after the naturalization. It is hereby further understood that if a Bavarian has been discharged from his Bavarian indigenate, or on the other side, if an American has been discharged from his American citizenship in the manner legally prescribed by the government of his original country, then acquires naturalization in the other country in a rightful and perfectly valid manner, then an additional five years' residence shall no longer be required, but a person so naturalized shall from the moment of his naturalization be held and treated as a Bavarian, and reciprocally as an American citizen.

2. The words "resided uninterruptedly" are obviously to be understood, not of a continual bodily presence, but in the legal sense; and therefore a transient absence, a journey, or the like, by no means interrupts the period of five years contemplated by the first article.

II. Relating to the Second Article of the Treaty

1. It is expressly agreed that a person who, under the first article, is to be held as an adopted citizen of the other state, on his return to his original country cannot be made punishable for the act of emigration itself, not even though at a later day he should have lost his adopted citizenship.

III. Relating to Article Four of the Treaty

1. It is agreed on both sides, that the regulative powers granted to the two governments respectively, by their laws for protection against resident aliens, whose residence endangers peace and order in the land, are not affected by the treaty. In particular the regulation contained in the second clause of the tenth article of the Bavarian military law of the 30th of January 1868, according to which Bavarians emigrating from Bavaria before the fulfilment of their military duty cannot be admitted to a permanent residence in the land till they shall have become 32 years old, is not affected by the treaty. But yet it is established and agreed, that by the expression "permanent residence" used in the said article, the above described emigrants are not forbidden to undertake a journey to Bavaria for a less period of time and for definite purposes, and the royal Bavarian government moreover cheerfully declares itself ready, in all cases in which the emigration has plainly taken place in good faith, to allow a mild rule in practice to be adopted.

2. It is hereby agreed that when a Bavarian naturalized in America, and reciprocally an American naturalized in Bavaria, takes up his abode once more in his original country without the intention of return to the country of his adoption, he does by no means thereby recover his former citizenship; on the contrary, in so far as it relates to Bavaria, it depends on His Majesty, the King, whether he will, or will not in that event grant the Bavarian citizenship anew.

The article fourth shall accordingly have only this meaning, that the adopted country of the emigrant cannot prevent him from acquiring once more his former citizenship; but not that the state to which the emigrant originally belonged is bound to restore him at once to his original relation.

On the contrary, the citizen naturalized abroad must first apply to be received back into his original country in the manner prescribed by its laws and regulations, and must acquire citizenship anew, exactly like any other alien.

But yet it is left to his own free choice, whether he will adopt that course or will preserve the citizenship of the country of his adoption.

GRAND DUCHY OF BADEN—UNITED STATES OF AMERICA

TREATY SIGNED AT CARLSRUHE, JULY 19, 1868[1]

Not in force[2]

Article I. Citizens of the Grand Duchy of Baden, who have resided uninterruptedly within the United States of America five years, and before,

[1] Text from *Treaties, Conventions, etc.*, I, 53.

[2] See footnote to the treaty signed at Berlin, February 22, 1868, North German Union—United States of America, ante, p. 660.

during, or after that time have become or shall become naturalized citizens of the United States, shall be held by Baden to be American citizens, and shall be treated as such. Reciprocally, citizens of the United States of America, who have resided uninterruptedly within the Grand Duchy of Baden five years, and before, during, or after that time have become or shall become naturalized citizens of the Grand Duchy of Baden, shall be held by the United States to be citizens of Baden, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

Article II. A naturalized citizen of the one party, on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, saving always the limitation established by the laws of his original country, or any other remission of liability to punishment. In particular, a former Badener, who, under the first article is to be held as an American citizen, is liable to trial and punishment according to the laws of Baden for non-fulfilment of military duty—

1. If he has emigrated after he, on occasion of the draft from those owing military duty, has been enrolled as a recruit for service in the standing army.

2. If he has emigrated whilst he stood in service under the flag, or had a leave of absence only for a limited time.

3. If, having a leave of absence for an unlimited time, or belonging to the reserve or to the militia, he has emigrated after having received a call into service, or after a public proclamation requiring his appearance, or after war has broken out.

On the other hand, a former Badener, naturalized in the United States, who, by or after his emigration, has transgressed or shall transgress the legal provisions on military duty by any acts or omissions other than those above enumerated in the clauses numbered one to three, can, on his return to his original country, neither be held subsequently to military service nor remain liable to trial and punishment for the non-fulfilment of his military duty. Moreover, the attachment on the property of an emigrant for non-fulfilment of his military duty, except in the cases designated in the clauses numbered one to three, shall be removed so soon as he shall prove his naturalization in the United States according to the first article.

Article III. The convention for the mutual delivery of criminals, fugitives from justice, concluded between the Grand Duchy of Baden on the one part and the United States of America on the other part, the thirtieth day of January, one thousand eight hundred and fifty-seven, remains in force without change.

Article IV. The emigrant from the one state who, according to the first article, is to be held as a citizen of the other state shall not on his return to his original country be constrained to resume his former citizenship; yet if he

shall of his own accord reacquire it and renounce the citizenship obtained by naturalization, such a renunciation is allowed, and no fixed period of residence shall be required for the recognition of his recovery of citizenship in his original country.

UNITED STATES OF AMERICA—THE KINGDOM OF WÜRTTEMBERG

TREATY SIGNED AT STUTTGART, JULY 27, 1868[1]

Not in force[2]

Article I. Citizens of Württemberg, who have become or shall become naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States five years, shall be held by Württemberg to be American citizens and shall be treated as such. Reciprocally, citizens of the United States of America who have become or shall become naturalized citizens of Württemberg, and shall have resided uninterruptedly within Württemberg five years, shall be held by the United States to be citizens of Württemberg, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

Article II. A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration; saving always the limitation established by the laws of his original country, or any other remission of liability to punishment.

Article III. The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between Württemberg and the United States the 16 June, 1852—13 October, 1853 remains in force without change.

Article IV. If a Württemberger, naturalized in America, renews his residence in Württemberg without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American naturalized in Württemberg, renews his residence in the United States without the intent to return to Württemberg, he shall be held to have renounced his naturalization in Württemberg. The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

[1] Text from *Treaties, Conventions, etc.*, II, 1895.
[2] See footnote to the treaty signed at Berlin, February 22, 1868, North German Union—United States of America, ante, p. 660.

GRAND DUCHY OF HESSE—UNITED STATES OF AMERICA

TREATY SIGNED AT DARMSTADT, AUGUST 1, 1868[1]

Not in force[2]

Article I. Citizens of the parts of the Grand Duchy of Hesse not included in the North German Confederation, who have become or shall become naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States five years, shall be held by the grand ducal Hessian government to be American citizens, and shall be treated as such.

Reciprocally: Citizens of the United States of America, who have become or shall become naturalized citizens of the above-described parts of the Grand Duchy Hesse, and shall have resided uninterruptedly therein five years, shall be held by the United States to be citizens of the Grand Duchy Hesse, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country, has not for either party the effect of naturalization.

Article II. A naturalized citizen of the one party on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, saving always the limitation established by the laws of his original country.

Article III. The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States of America and the Grand Duchy Hesse, on the 16th of June, 1852, remains in force, without change.

Article IV. If a Hessian, naturalized in America, but originally a citizen of the parts of the Grand Duchy not included in the North German Confederation, renews his residence in those parts without the intent to return to America, he shall be held to have renounced his naturalization in the United States.

Reciprocally: if an American, naturalized in the Grand Duchy of Hesse (within the above-described parts), renews his residence in the United States without the intent to return to Hesse, he shall be held to have renounced his naturalization in the Grand Duchy.

The intent not to return may be held to exist, when the person naturalized in the one country resides more than two years in the other country.

[1] Text from *Treaties, Conventions, etc.*, I, 949.

[2] See footnote to the treaty signed at Berlin, February 22, 1868, North German Union—United States of America, ante, p. 660.

BELGIUM—UNITED STATES OF AMERICA

TREATY SIGNED AT BRUSSELS, NOVEMBER 16, 1868[1]

Article I. Citizens of the United States who may or shall have been naturalized in Belgium will be considered by the United States as citizens of Belgium. Reciprocally, Belgians who may or who shall have been naturalized in the United States will be considered by Belgium as citizens of the United States.

Article II. Citizens of either contracting party, in case of their return to their original country, can be prosecuted there for crimes or misdemeanors committed before naturalization, saving to them such limitations as are established by the laws of their original country.

Article III. Naturalized citizens of either contracting party who shall have resided five years in the country which has naturalized them, cannot be held to the obligation of military service in their original country, or to incidental obligation resulting therefrom, in the event of their return to it, except in cases of desertion from organized and embodied military or naval service, or those that may be assimilated thereto by the laws of that country.

Article IV. Citizens of the United States naturalized in Belgium shall be considered by Belgium as citizens of the United States when they shall have recovered their character as citizens of the United States according to the laws of the United States. Reciprocally, Belgians naturalized in the United States shall be considered as Belgians by the United States when they shall have recovered their character as Belgians according to the laws of Belgium.

NORWAY AND SWEDEN—UNITED STATES OF AMERICA

CONVENTION AND PROTOCOL SIGNED AT STOCKHOLM, MAY 26, 1869[2]

Article I. Citizens of the United States of America who have resided in Sweden or Norway for a continuous period of at least five years, and during such residence have become and are lawfully recognized as citizens of Sweden or Norway, shall be held by the government of the United States to be Swedish or Norwegian citizens, and shall be treated as such.

Reciprocally, citizens of Sweden or Norway who have resided in the United States of America for a continuous period of at least five years, and during such residence have become naturalized citizens of the United States, shall be

[1] Text from *Treaties, Conventions, etc.*, I, 80. Ratifications of treaty exchanged July 10, 1869; proclaimed in the United States July 30, 1869.

[2] Text from *Treaties, Conventions, etc.*, II, 1758. Ratifications of convention and protocol exchanged June 14, 1871; proclaimed in the United States January 12, 1872.

held by the government of Sweden and Norway to be American citizens, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of citizenship legally acquired.

Article II. A recognized citizen of the one party, on returning to the territory of the other, remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration, but not for the emigration itself, saving always the limitation established by the laws of his original country and any other remission of liability to punishment.

Article III. If a citizen of the one party, who has become a recognized citizen of the other party, takes up his abode once more in his original country and applies to be restored to his former citizenship, the government of the last-named country is authorized to receive him again as a citizen on such conditions as the said government may think proper.

Article IV. The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part, and Sweden and Norway on the other part, the 21st March, 1860, remains in force without change.

PROTOCOL

The undersigned met today to sign the convention agreed upon in conformity with their respective full powers, relating to the citizenship of those persons who emigrate from the United States of America to Sweden and Norway, and from Sweden and Norway to the United States of America; on which occasion the following observations, more exactly defining and explaining the contents of this convention, were entered in the following protocol:—

I. Relating to the first article of the convention.

It is understood that if a citizen of the United States of America has been discharged from his American citizenship, or, on the other side, if a Swede or a Norwegian has been discharged from his Swedish or Norwegian citizenship, in the manner legally prescribed by the government of his original country, and then in the other country in a rightful and perfectly valid manner acquires citizenship, then an additional five years' residence shall no longer be required; but a person who has in that manner been recognized as a citizen of the other country, shall, from the moment thereof, be held and treated as a Swedish or Norwegian citizen, and, reciprocally, as a citizen of the United States.

II. Relating to the second article of the convention.

If a former Swede or Norwegian, who under the first article is to be held as an adopted citizen of the United States of America, has emigrated after he has attained the age when he becomes liable to military service, and returns again to his original country, it is agreed that he remains liable to trial and

punishment for an action punishable by the laws of his original country and committed before his emigration, but not for the act of emigration itself, unless thereby have been committed any punishable action against Sweden or Norway, or against a Swedish or Norwegian citizen, such as non-fulfilment of military service, or desertion from the military force or from a ship, saving always the limitation established by the laws of the original country, and any other remission of liability to punishment; and that he can be held to fulfil, according to the laws, his military service, or the remaining part thereof.

III. Relating to the third article of the convention.

It is further agreed that if a Swede or Norwegian, who has become a naturalized citizen of the United States, renews his residence in Sweden or Norway without the intent to return to America, he shall be held by the government of the United States to have renounced his American citizenship.

The intent not to return to America may be held to exist when the person so naturalized resides more than two years in Sweden or Norway.

GREAT BRITAIN—UNITED STATES OF AMERICA

CONVENTION SIGNED AT LONDON, MAY 13, 1870[1]

Article I. Citizens of the United States of America who have become, or shall become, and are naturalized according to law within the British dominions as British subjects, shall, subject to the provisions of Article II, be held by the United States to be in all respects and for all purposes British subjects, and shall be treated as such by the United States.

Reciprocally, British subjects who have become, or shall become, and are naturalized according to law within the United States of America as citizens thereof, shall, subject to the provisions of Article II, be held by Great Britain to be in all respects and for all purposes citizens of the United States, and shall be treated as such by Great Britain.

Article II. Such citizens of the United States as aforesaid who have become and are naturalized within the dominions of her Britannic Majesty as British subjects, shall be at liberty to renounce their naturalization and to resume their nationality as citizens of the United States, provided that such renunciation be publicly declared within two years after the exchange of the ratifications of the present convention.

Such British subjects as aforesaid who have become and are naturalized as citizens within the United States, shall be at liberty to renounce their naturalization and to resume their British nationality, provided that such renunciation be publicly declared within two years after the twelfth day of May, 1870.

[1] Text from *Treaties, Conventions, etc.*, I, 691. Ratifications of convention exchanged August 10, 1870; proclaimed in the United States September 16, 1870.

The manner in which this renunciation may be made and publicly declared shall be agreed upon by the governments of the respective countries.

Article III. If any such citizen of the United States as aforesaid, naturalized within the dominions of her Britannic Majesty, should renew his residence in the United States, the United States government may, on his own application and on such conditions as that government may think fit to impose, readmit him to the character and privileges of a citizen of the United States, and Great Britain shall not, in that case, claim him as a British subject on account of his former naturalization.

In the same manner, if any such British subject as aforesaid naturalized in the United States should renew his residence within the dominions of her Britannic Majesty, her Majesty's government may, on his own application and on such conditions as that government may think fit to impose, readmit him to the character and privileges of a British subject, and the United States shall not, in that case, claim him as a citizen of the United States on account of his former naturalization.[1]

AUSTRO-HUNGARIAN EMPIRE—UNITED STATES OF AMERICA

CONVENTION SIGNED AT VIENNA, SEPTEMBER 20, 1870[2]

Not in force[3]

Article I. Citizens of the Austro-Hungarian Monarchy who have resided in the United States of America uninterruptedly at least five years and during such residence have become naturalized citizens of the United States, shall be held by the government of Austria and Hungary to be American citizens, and shall be treated as such.

Reciprocally, citizens of the United States of America who have resided in the territories of the Austro-Hungarian Monarchy uninterruptedly at least five years, and during such residence have become naturalized citizens of the Austro-Hungarian Monarchy shall be held by the United States to be citizens of the Austro-Hungarian Monarchy, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

Article II. A naturalized citizen of the one party, on return to the terri-

[1] For supplemental convention, see post, p. 672.

[2] Text from *Treaties, Conventions, etc.*, I, 45.

[3] Articles 241 of the Treaty of St. Germain and 224 of the Treaty of Trianon, rights and advantages of which are accorded to the United States by the treaties establishing friendly relations with Austria and Hungary respectively, concluded on August 24 and August 29 1921, provide that only those bilateral treaties between an allied or associated power and the former Austro-Hungarian Monarchy shall continue in force and apply to Austria or Hungary, respectively, as shall be notified to such state by the allied or associated power concerned. The United States did not, within the prescribed period, give notice of a desire to apply this convention either to Austria or Hungary.

tory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country, committed before his emigration, saving always the limitation established by the laws of his original country and any other remission of liability to punishment.

In particular, a former citizen of the Austro-Hungarian Monarchy, who under the first article, is to be held as an American citizen, is liable to trial and punishment, according to the laws of Austro-Hungary for non-fulfilment of military duty:—

1st. If he has emigrated, after having been drafted at the time of conscription, and thus having become enrolled as a recruit for service in the standing army.

2nd. If he has emigrated whilst he stood in service under the flag, or had a leave of absence only for a limited time;

3rd. If, having a leave of absence for an unlimited time, or belonging to the reserve or to the militia, he has emigrated after having received a call into service, or after a public proclamation requiring his appearance, or after war has broken out.

On the other hand, a former citizen of the Austro-Hungarian Monarchy naturalized in the United States, who by or after his emigration has transgressed the legal provisions on military duty by any acts or omissions other than those above enumerated in the clauses numbered one, two, and three, can, on his return to his original country, neither be held subsequently to military service nor remain liable to trial and punishment for the non-fulfilment of his military duty.

Article III. The convention for the mutual delivery of criminals, fugitives from justice, concluded on the 3rd July, 1856, between the Government of the United States of America, on the one part, and the Austro-Hungarian Monarchy, on the other part, as well as the additional convention, signed on the 8th May, 1848, to the treaty of commerce and navigation concluded between the said governments on the 27th of August, 1829, and especially the stipulations of Article IV, of the said additional convention concerning the delivery of the deserters from the ships of war and merchant vessels, remain in force without change.

Article IV. The emigrant from the one state, who, according to Article I, is to be held as a citizen of the other state, shall not, on his return to his original country, be constrained to resume his former citizenship; yet if he shall of his own accord re-acquire it, and renounce the citizenship obtained by naturalization, such a renunciation is allowable, and no fixed period of residence shall be required for the recognition of his recovery of citizenship in his original country.

GREAT BRITAIN—UNITED STATES OF AMERICA

SUPPLEMENTAL CONVENTION SIGNED AT WASHINGTON, FEBRUARY 23, 1871[1]

Article I. Any person, being originally a citizen of the United States, who had previously to May 13th, 1870, been naturalized as a British subject, may, at any time before August 10th, 1872, and any British subject who, at the date first aforesaid, had been naturalized as a citizen within the United States, may, at any time before May 12th, 1872, publicly declare his renunciation of such naturalization by subscribing an instrument in writing, substantially in the form hereunto appended, and designated as Annex A.

Such renunciation, by an original citizen of the United States, of British nationality, shall, within the territories and jurisdiction of the United States, be made in duplicate, in the presence of any court authorized by law for the time being to admit aliens to naturalization, or before the clerk or prothonotary of any such court: if the declarant be beyond the territories of the United States, it shall be made in duplicate, before any diplomatic or consular officer of the United States. One of such duplicates shall remain of record in the custody of the court or officer in whose presence it was made; the other shall be, without delay, transmitted to the Department of State.

Such renunciation, if declared by an original British subject, of his acquired nationality as a citizen of the United States, shall, if the declarant be in the United Kingdom of Great Britain and Ireland, be made in duplicate, in the presence of a justice of the peace; if elsewhere in Her Britannic Majesty's dominions, in triplicate, in the presence of any judge of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorized by law, in the place in which the declarant is, to administer an oath for any judicial or other legal purpose; if out of Her Majesty's dominions, in triplicate, in the presence of any officer in the diplomatic or consular service of Her Majesty.

Article II. The contracting parties hereby engage to communicate each to the other, from time to time, lists of the persons who, within their respective dominions and territories, or before their diplomatic and consular officers, have declared their renunciation of naturalization, with the dates and places of making such declarations, and such information as to the abode of the declarants, and the times and places of their naturalization, as they may have furnished.

ANNEX A

I, A. B., of (insert abode), being originally a citizen of the United States of America, (or a British subject,) and having become naturalized within

[1] Text from *Treaties, Conventions, etc.*, I, 698. Ratifications of convention exchanged May 4, 1871; proclaimed in the United States May 5, 1871.

the dominions of Her Britannic Majesty as a British subject (or as a citizen within the United States of America,) do hereby renounce my naturalization as a British subject, (or citizen of the United States,) and declare that it is my desire to resume my nationality as a citizen of the United States, (or British subject.)

(Signed) A. B.

Made and subscribed to before me, ..., in (insert country or other subdivision, and State, province, colony, legation or consulate,) this ..... day of ....., 187–.

(Signed) E. F.,
Justice of the Peace, (or other title.)

DENMARK—UNITED STATES OF AMERICA

CONVENTION SIGNED AT COPENHAGEN, JULY 20, 1872[1]

Article I. Citizens of the United States of America who have become, or shall become, and are, naturalized, according to law, within the Kingdom of Denmark as Danish subjects, shall be held by the United States of America to be in all respects and for all purposes Danish subjects, and shall be treated as such by the United States of America.

In like manner, Danish subjects who have become, or shall become, and are, naturalized, according to law, within the United States of America as citizens thereof, shall be held by the Kingdom of Denmark to be in all respects and for all purposes as citizens of the United States of America, and shall be treated as such by the Kingdom of Denmark.

Article II. If any such citizen of the United States, as aforesaid, naturalized within the Kingdom of Denmark as a Danish subject, should renew his residence in the United States, the United States Government may, on his application, and on such conditions as that government may see fit to impose, readmit him to the character and privileges of a citizen of the United States, and the Danish government shall not, in that case, claim him as a Danish subject on account of his former naturalization.

In like manner, if any such Danish subject, as aforesaid, naturalized within the United States as a citizen thereof, should renew his residence within the Kingdom of Denmark, His Majesty's government may, on his application, and on such conditions as that government may think fit to impose, readmit him to the character and privileges of a Danish subject, and the United States government shall not, in that case, claim him as a citizen of the United States on account of his former naturalization.

Article III. If, however, a citizen of the United States, naturalized in Denmark, shall renew his residence in the former country, without the intent

[1] Text from *Treaties, Conventions, etc.*, I, 384. Ratifications of convention exchanged March 14, 1873; proclaimed in the United States April 15, 1873.

to return to that in which he was naturalized, he shall be held to have renounced his naturalization.

In like manner, if a Dane, naturalized in the United States, shall renew his residence in Denmark without the intent to return to the former country, he shall be held to have renounced his naturalization in the United States.

The intent not to return may be held to exist when a person naturalized in the one country shall reside more than two years in the other country.

COSTA RICA—ITALY

CONVENTION SIGNED AT ROME, MAY 6, 1873[1]

[TRANSLATION]

Article 1. Those persons shall be considered as Italian citizens in Costa Rica, and as citizens of Costa Rica in Italy, who, having taken up their residence in the State of the other party, shall have retained, according to their national laws, the birthright of their native country.

A son born in Italy whose father is a citizen of Costa Rica shall be reputed a citizen of Costa Rica, and reciprocally a son born in Costa Rica whose father is an Italian shall be reputed an Italian citizen.

Nevertheless, on attaining the age of legal majority, as fixed by the national laws, the son shall be free to choose for himself by declaration made in the year at the Consulate of the nation to which his father belongs the nationality of the country in which he was born, and he will then be considered as a citizen of that country from his birth, saving the effects of acts previously performed.

FRANCE—SWITZERLAND

CONVENTION SIGNED AT PARIS, JULY 23, 1879[2]

[TRANSLATION]

Article I. Those whose parents, of French origin, become Swiss naturalized citizens and are under age when the said parents are so naturalized, shall have the choice in the course of their twenty-second year between the two nationalities, Swiss and French. They shall be regarded as Frenchmen until they have decided for the Swiss nationality.

Article II. The option for Swiss nationality shall flow from a declaration made by the party concerned before the Swiss or French municipal authori-

[1] Text from 63 *Br. and For. St. Papers*, 1319. Ratifications of convention exchanged April 16, 1875.

[2] Text from 70 id. 879. Ratifications of convention exchanged July 6, 1880.

ties of his place of residence. Should he not reside either in Swiss or French territory the declaration can be made before the diplomatic or consular officers of either State. The party may be represented by an attorney holding a special authenticated power. Whoever shall fail to make such a declaration in the course of his twenty-second year shall be considered as having finally maintained his French nationality.

Article III. The young men upon whom this right to select is conferred shall not be held to military service in France before they have completed their twenty-second year of age. However, they may, upon their request, discharge their military obligations or enlist in the French army before they become of age on condition that they will waive their right to select Swiss nationality. This waiver shall be made by the parties concerned with the consent of their legal representatives in the same form and before the same authorities as the declarations of option. Any declaration of option or waiver of the right to opt shall be made known to the other Government by that which received it.

EL SALVADOR—SPAIN

TREATY SIGNED AT SAN SALVADOR, MARCH 2, 1885[1]

[TRANSLATION]

Not in force

Article I. The children of Salvadorean fathers or mothers born in Spain, or of Spanish fathers or mothers born in the Republic of El Salvador, will acquire Spanish or Salvadorean nationality respectively, if they expressly adopt it, in accordance with their fathers' decision, during their minority, or their own, after attaining their majority or after having been emancipated.

The aforesaid children must notify such adoption to the authority of the country whose nationality is to be acquired within one year counting from the day of their emancipation or majority, and should they not do so it will be taken as a legally established fact that they follow the nationality of their fathers.

Article II. With respect to the children of Salvadoreans born in Spain or of Spaniards born in El Salvador, who have attained their majority, but have not yet acquired the nationality of the country of their birth, they will likewise keep that of their fathers, unless they expressly adopt that of the country of their birth within a year to be reckoned from the date of the publication of the ratifications of the present Treaty in that country.

Article III. The inscription of the children of Salvadoreans in the register of Salvadorean nationality existing in Spain, and the inscription of the children of Spaniards in the registers of Spanish nationality to be established in

[1] Text from 82 *Br. and For. St. Papers*, 867.

El Salvador, can only be effected by the respective functionaries on the presentation of an authentic certificate showing that such children have not adopted by their own will, or by that of their fathers, the nationality of the country of their birth.

ARGENTINA—SWEDEN AND NORWAY

TREATY SIGNED AT VIENNA, JULY 17, 1885[1]

[TRANSLATION]

ADDITIONAL ARTICLE

The high contracting parties recognize and accept their respective laws in regard to the acquisition of nationality. If, however, an Argentine citizen who became a Swedish or Norwegian subject or a Swedish or Norwegian subject who became an Argentine citizen returns to his country of origin to reside and with the intention of staying permanently there he shall be considered by that fact alone as having given up the naturalization he acquired in the foreign country. More than two years' residence in the country of origin will be considered as evidence of an intention permanently to reside there.

GERMANY—GUATEMALA

TREATY SIGNED AT GUATEMALA, SEPTEMBER 20, 1887[2]

[TRANSLATION]

Not in force

Article X—(1) The two High Contracting Parties being desirous to evade all difficulties that might arise on the question of nationality agree that those shall be considered as Guatemalans in Germany and as Germans in Guatemala who having transferred their residence from the one to the other country have preserved the nationality of their native land in conformity with the laws thereof.

(2) They agree likewise that the legitimate children of a Guatemalan father born in Germany shall be considered Guatemalans and the legitimate children of a German born in Guatemala as Germans.

(3) Nevertheless these children on becoming of age, according to the laws of their country, shall prove that they have complied or are complying strictly with the laws relating to military service in their country, and these proofs shall be made by legalized documents through the Diplomatic Agents of their country, before the authority appointed by the Government for such purpose.

[1] Text from 82 *Br. and For. St. Papers*, 968. Ratifications of treaty exchanged January 14, 1896.

[2] Text from 79 id., 738.

Should they not fulfill this requirement within twelve months from the date they become of age, they may be considered as citizens of the country of their birth.

(4) The descendants of those who have preserved the nationality of their father according to paragraph 3 may be considered as citizens of the country of their birth.

ITALY—MEXICO

CONVENTION SIGNED AT MEXICO, AUGUST 20, 1888[1]

[TRANSLATION]

Article I. The children of an Italian father or of an unknown father and of an Italian mother, born in Mexican territory, shall be considered for all purposes as Italians during their minority, and shall retain the same nationality after the time when they attain their majority, provided that then, or within a year counted from the day on which they attain it, they make known their wish to preserve the said nationality, either directly or through the Italian Diplomatic or Consular Agents resident in Mexico. The mere omission to make known this wish in the above-mentioned manner shall cause them to be considered as of the nationality of the country in which they were born.

Article II. The children of a Mexican father or of an unknown father and of a Mexican mother, born in Italian territory, shall be considered for all purposes as Mexicans during their minority, and shall preserve the same nationality after the time when they attain their majority, provided that then, or within a year from the day on which they attain it, they make known their wish to preserve the said nationality, either directly or through the Mexican Diplomatic or Consular Agents resident in Italy. The mere omission to make known this wish in the above-mentioned manner shall cause them to be considered as of the nationality of the country in which they were born.

Article III. The age of majority spoken of in the preceding Articles shall be determined by the laws of the country of the father, or if he should be unknown, by those of the country of the mother, of the persons to which this Convention refers.

BOLIVIA—ITALY

TREATY SIGNED AT LIMA, OCTOBER 18, 1890[2]

[TRANSLATION]

Article 4. The two High Contracting Parties, animated with the desire of eliminating difficulties regarding nationality, declare that they will consider as Italians in Bolivia and as Bolivians in Italy:

[1] Text from 79 *Br. and For. St. Papers*, 160. Ratifications of convention exchanged August 17, 1892. [2] Text from 92 id., 1007. Ratifications of treaty exchanged January 7, 1901.

(a) Italians who established themselves in Bolivia, and Bolivians who established themselves in Italy, and have preserved their nationality in conformity with the laws of their country;

(b) Their children. The liberty is, however, granted to the sons of Italians born in Bolivia and of Bolivians born in Italy of choosing the nationality of their place of birth, on making an express declaration of their choice to the municipal authorities of the place where they reside within one year from their attaining their majority.

An authentic copy of this declaration shall be communicated to the Diplomatic or Consular Agent, in order that due note may be made thereof in the Nationality Registers.

FRANCE—SPAIN

DECLARATION SIGNED AT MADRID, MAY 12, 1892[1]

[TRANSLATION]

The Government of the French Republic and the Government of His Catholic Majesty realizing the necessity of extending from one to two years the time granted to Frenchmen born in Spain under Article 5 of the Consular Convention concluded between the two countries on January 7, 1862, in which to adduce evidence that they fulfilled in France the recruiting law have agreed on the following provisions:

Article 5 of the Consular Convention signed by France and Spain on January 7, 1862, is superseded by the following article:

Article 5. Spaniards born in France who, after reaching the age of twenty, are included in the military contingent shall produce to the civil or military authorities having jurisdiction in the case a certificate showing that they have drawn a number in Spain.

And reciprocally, Frenchmen born in Spain who should be called upon to do military service shall in cases where the documents exhibited by them should be deemed insufficient to establish their origin give to the proper authorities within two years from the time of the drawing a certificate showing that they have met the requirements of the recruiting law in France. Failing to submit such a paper in good and due form the man who should be drawn by lot for the military service in the place of his birth must form part of the contingent of that place.

[1] Text from 68 Martens, *Nouveau Recueil Général*, 606.

COLOMBIA—SPAIN

TREATY SIGNED AT BOGOTA, APRIL 28, 1894[1]

[TRANSLATION]

Article II. The national status of Colombians and Spaniards shall be determined in each of the respective countries, and for legal effects in the same, by its own legislation, unless both Governments hereafter conclude special agreements upon the subjects of nationality and naturalization, with a reciprocal character.

GERMANY—NICARAGUA

TREATY SIGNED AT MANAGUA, FEBRUARY 4, 1896[2]

[TRANSLATION]

Article X.—§ 1. Both the High Contracting Parties being desirous to avoid possible difficulties with regard to nationality, agree that persons who, after passing into the states [*sic*] of the other party in order to live there, maintain the nationality of their own country according to its laws, are to be considered as Nicaraguans in Germany and as Germans in Nicaragua.

§ 2. In addition, they have agreed that the children of a Nicaraguan father, born in wedlock in Germany, are Nicaraguans and the children of a German born in wedlock in Nicaragua, are Germans.

§ 3. Nevertheless the sons must as soon as they attain their majority according to the laws of their country show the authorities of the respective governments appointed for the purpose, by means of documents legalized by the diplomatic agents in the country, that they are about to comply or have strictly complied with the laws of their country regarding military service.

In case they should not fulfil this condition twelve months from the day of their coming of age, they may be considered as citizens of the country of their birth.

§ 4. The descendants of those individuals who have maintained the nationality of their father by virtue of § 3, can [*sic*] be considered as citizens of the land in which they are born.

[1] Text from 86 *Br. and For. St. Papers*, 572. Ratifications of treaty exchanged August 23, 1895.

This article is identical in terms with Article II of the treaty signed at Lima, July 16, 1897, Peru-Spain (89 id. 599).

[2] Text from 97 *Br. and For. St. Papers*, 994. Ratifications of treaty exchanged April 7, 1897.

JAPAN—SPAIN

PROTOCOL TO TREATY SIGNED AT MADRID, JANUARY 2, 1897[1]

[TRANSLATION]

7. The High Contracting Parties agree to notify to each other all cases in which either shall have granted its nationality to a subject of the other in accordance with the laws of the country. All such cases of naturalization shall be considered null and void as regards the country to which such naturalized subjects originally belonged, unless the above-mentioned condition of notification shall have been previously complied with. Should such naturalized subjects go back to the country of origin without intention of returning to that of naturalization they shall *ipso facto* be bound by all the duties and obligations incumbent upon them as the subjects of their native country and shall be held to have tacitly renounced the acquired nationality.

A residence exceeding one year shall be held as *prima facie* evidence of such renunciation.

PORTUGAL—SPAIN

EXCHANGE OF NOTES, APRIL 24 AND JULY 29, 1897[2]

[TRANSLATION]

Portuguese Note

LISBON, *April 24, 1897.*

MINISTER OF FOREIGN AFFAIRS,

MOST ILLUSTRIOUS AND EXCELLENT SIR: In reply to the Note which Your Excellency was pleased to send me on the second instant, I have the honor to inform Your Excellency that His Majesty's Government agrees to the proposition presented in the said note in the following words:

No Spanish subject in Portugal and no Portuguese subject in Spain shall be granted naturalization without a previous hearing given to the Legation of the country of origin as to the liability which the party who would be naturalized has incurred under criminal proceedings or the recruiting laws. The said liability will be made known in the shortest possible time to the Government which made the inquiry and which will remain at liberty to decide whether there is sufficient ground to deny naturalization.

If the Government of His Catholic Majesty concurs in this, the note in which Your Excellency will make known to His Most Faithful Majesty the

[1] Text from Olivart, *Colección de los tratados, convenios, y documentos internacionales*, XII, 19.

[2] Text from 10 *Portuguese Treaties*, 219.

assent of His Catholic Majesty to this proposal may be considered as completing the agreement on the subject.

I avail myself, etc.

MATIAS DE CARVALHO E VASCONCELOS.

Spanish Note

LEGATION OF HIS CATHOLIC MAJESTY,
LISBON, *July 29, 1897.*

MOST EXCELLENT SIR: Upon examination by the Government of His Catholic Majesty of the note which Your Excellency was pleased to send me under date of April 24 last, in reply to which I had the honor to send to His Most Faithful Majesty proposing an agreement as to the conditions that must be met by the two parties whenever a Portuguese subject applies for Spanish naturalization or a Spanish subject for Portuguese naturalization, it devolves upon me to inform Your Excellency that my Government accepts the statements made in the note above referred to of April 24, thus converting into a formal agreement by both countries and establishing at the same time the understanding that the two Governments had set for an object before them to prevent subjects of the two kingdoms from evading through that means their criminal liability or the performance of their military service.

I avail myself, etc.

ANGEL RUATA.

HAITI—UNITED STATES OF AMERICA

TREATY SIGNED AT WASHINGTON, MARCH 22, 1902[1]

Article I. Citizens of the United States of America who shall have been duly naturalized as citizens of Haiti, and who shall have resided uninterruptedly in Haiti during a period of five years, shall be recognized by the United States as citizens of Haiti.

Reciprocally, citizens of Haiti who shall have been duly naturalized as citizens of the United States of America, and who shall have resided uninterruptedly in the United States during a period of five years, shall be recognized by Haiti as citizens of the United States.

This article shall apply as well to those already naturalized in either country as those hereafter naturalized.

[1] Text from *Treaties, Conventions, etc.*, I, 939. Ratifications of the treaty were exchanged March 19, 1904, the period designated therefor having been extended by the treaty signed at Washington, February 28, 1903 (id. I, 941); the treaty was proclaimed in the United States March 24, 1904.

Article II. The person who, after having become a naturalized citizen of one of the contracting States, shall return to live in the country of his origin, without intention to return to the country where he has been naturalized, shall be considered as having renounced the nationality obtained through naturalization.

Article III. The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

Article IV. The naturalized citizens of either State who return to their country of origin, will be there liable to prosecution and punishment in conformity to the laws for the crimes or misdemeanors committed before their emigration and that are not covered by the statute of limitations.

Article V. The declaration of intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

GERMANY—NETHERLANDS

TREATY SIGNED AT THE HAGUE, DECEMBER 17, 1904[1]

[TRANSLATION]

III. Each of the two Contracting Parties reserves the right to prohibit the settlement or the sojourn within its territories of subjects of the other Party who have previously owed allegiance to itself as subjects and have lost their nationality and rights of citizenship before fulfilling their military obligations. This right of expulsion will, however, be waived should an examination into the circumstances of the case show that the change of nationality took place in good faith and not in order to evade military service.

Each of the Contracting Parties likewise reserves to itself the right to disallow such settlement or sojourn for the subjects of the other Party who have failed to perform their military duties in their own native country.

GREAT BRITAIN—HAITI

CONVENTION SIGNED AT PORT-AU-PRINCE, APRIL 6, 1906[2]

Not in force[3]

Article I. Persons of British origin who have been born in Hayti since the coming into force of the Constitution of 1889, and whose nationality is fixed by Article III, paragraph 3, of that Constitution, shall be regarded as Haytian citizens while resident in the Republic.

[1] Text from 97 *Br. and For. St. Papers*, 1036. Ratifications of treaty exchanged October 29, 1906.

[2] Text from 100 *Br. and For. St. Papers*, 541.

[3] This convention was abrogated from April 1, 1909, by an Exchange of Notes between the two Governments dated March 15/24, 1909.

Article II. Persons of Haytian origin born in the British possessions shall be regarded as British subjects while resident in the British possessions.

Article III. The Government of His Britannic Majesty agree not to extend diplomatic protection to British subjects of Haytian origin resident in the Republic, provided that they are Haytian citizens under the laws in force in the Republic for the time being.

Article IV. Haytian citizens duly naturalized in the United Kingdom or in the British Colonies or possessions according to the respective laws thereof shall be recognized by the Republic as British subjects.

Article V. British subjects duly naturalized in Hayti shall be recognized by His Majesty's Government as Haytian citizens.

Article VI. The names of the British subjects now resident in Hayti shall be communicated by His Britannic Majesty's Consul-General to the Haytian Government, and, provided that they have hitherto been regarded as foreigners in Hayti, all such persons shall receive diplomatic protection from His Majesty's Government.

In view of the difficulty of framing a complete list of the British subjects now resident in the Republic immediately, the Consul General shall be at liberty to communicate from time to time such supplementary lists as may be necessary, and the first paragraph of this Article shall apply to all persons mentioned in such lists.

Article VII. A list of the persons registered in the future as British subjects at the British Consulates in Hayti shall be communicated by His Britannic Majesty's Consul General to the Haytian Government at intervals of six months. The Haytian Government, may, on receipt of any such list, address representations to the Consul-General in respect of any person named therein whom it may claim to be a Haytian citizen, and if after inquiry by the Haytian Government and His Britannic Majesty's Consul General it is agreed that the person is a Haytian citizen, he shall not receive in the Republic diplomatic protection from His Majesty's Government.

PERU—UNITED STATES OF AMERICA

CONVENTION SIGNED AT LIMA, OCTOBER 15, 1907[1]

Article I. Citizens of the United States who may be or shall have been naturalized in Peru upon their own application or by their own consent, will be considered by the United States as citizens of the Republic of Peru.

[1] Text from *Treaties, Conventions, etc.*, II, 1449. Ratifications of convention exchanged July 23, 1909; proclaimed in the United States September 2, 1909.

The United States has concluded conventions containing substantially the same provisions with the following countries: El Salvador, San Salvador, March 14, 1908; Brazil, Rio de Janeiro, April 27, 1908; Honduras, Tegucigalpa, June 23, 1908; Uruguay, Montevideo, August 10, 1908; Nicaragua, Managua, December 7, 1908; Costa Rica, San Jose, June 10, 1911. See also the multipartite convention signed at Rio de Janeiro, August 13, 1906, ante, p. 645.

Reciprocally, Peruvians who may or shall have been naturalized in the United States upon their own application or with their consent, will be considered by the Republic of Peru as citizens of the United States.

Article II. If a Peruvian, naturalized in the United States of America, renews his residence in Peru without intent to return to the United States, he may be held to have renounced his naturalization in the United States. Reciprocally if a citizen of the United States naturalized in Peru renews his residence in the United States without intent to return to Peru, he may be presumed to have renounced his naturalization in Peru.

The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country, but this presumption may be destroyed by evidence to the contrary.

Article III. It is mutually agreed that the definition of the word "citizen" as used in this convention shall be held to mean a person to whom nationality of the United States or of Peru attaches.

Article IV. A recognized citizen of the one party returning to the territory of the other remains liable to trial and legal punishment for any action punishable by the laws of his original country and committed before his emigration; but not for the emigration itself, saving always the limitation established by the laws of his original country and any other remission of liability to punishment.

Article V. The declaration of intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

PORTUGAL—UNITED STATES OF AMERICA

CONVENTION SIGNED AT WASHINGTON, MAY 7, 1908[1]

Article I. Subjects of Portugal who become naturalized citizens of the United States of America and shall have resided uninterruptedly within the United States five years shall be held by Portugal to be American citizens and shall be treated as such. Reciprocally, citizens of the United States of America who become naturalized subjects of Portugal and shall have resided uninterruptedly within Portuguese territory five years shall be held by the United States to be Portuguese subjects and shall be treated as such.

Article II. A recognized citizen of the one party on returning to the territory of the other remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, but not for the emigration itself, saving always the limitation established by the laws of his original country, and any other remission of liability to punishment.

[1] Text from *Treaties, Conventions, etc.*, II, 1468. Ratifications of convention exchanged November 14, 1908; proclaimed in the United States December 14, 1908.

The infraction of the legal provisions which in the country of origin regulate emigration shall not be held, for the purposes of this article, as pertaining to the emigration itself and, therefore, the transgressors of those provisions who return to the country of their origin are there liable to trial on account of any and whatever responsibility they may have incurred through such infraction.

Article III. If a Portuguese subject naturalized in America, renews his residence in Portugal, without intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American naturalized in Portugal renews his residence in the United States, without intent to return to Portugal, he shall be held to have renounced his naturalization in Portugal.

The intent not to return may be held to exist when the person naturalized in one country resides more than two years in the other country.

GERMANY—SWITZERLAND

TREATY SIGNED AT BERNE, NOVEMBER 13, 1909[1]

[TRANSLATION]

Article 3. Each contracting party reserves to itself the right to deny to the nationals of the other party, who previously belonged to it and who have lost their nationality before performing their military duties, the right to settle or reside. However, the exercise of this power shall be waived if, upon investigation of the conditions, it is found that the change of nationality was effected in good faith and not for the purpose of evading military duties.

Article 4. The nationals of each contracting party who have settled or are residing in the territory of the other party continue subject to the laws of their own country concerning military duty or in regard to furnishing a substitute therefor, and in the other country may not be held either to perform personal military service of any kind or to furnish a substitute.

BELGIUM—BOLIVIA

TREATY SIGNED AT LA PAZ, APRIL 18, 1912[2]

[TRANSLATION]

V. The two High Contracting Parties desirous of removing any difficulty as to the ascertainment of the nationality of their respective subjects declare

[1] Text from *Reichsgesetzblatt*, No. 49, January, 1911, p. 888. Supersedes Article 4 of the treaty signed at Berne, April 27, 1876.

[2] Text from 106 *Br. and For. St. Papers*, 871. Ratifications of treaty exchanged May 3, 1913.

that, those are to be considered as Belgians in Bolivia and as Bolivians in Belgium:

The Belgians who settle in Bolivia and the Bolivians who settle in Belgium though maintaining their nationality in accordance with the laws of their country.

The children born in Belgium of Bolivian subjects and the children born in Bolivia of Belgian subjects may, from the age of twenty-one years fully accomplished and within one year thereafter elect one or the other nationality and thus be addicted to the enjoyment of favors granted by the present treaty to the subject maintaining the nationality for which they shall have opted.

VI. With due regard to the option right provided in the foregoing article the son born in Belgium of a Bolivian father as well as the son born in Bolivia of a Belgian father shall not be called to perform military service before they have accomplished their twenty-second year of age.

ITALY—NICARAGUA

CONVENTION SIGNED AT MANAGUA, SEPTEMBER 20, 1917[1]

[TRANSLATION]

Article I. An Italian citizen residing in Nicaragua and a Nicaraguan citizen residing in Italy may retain and transmit in accordance with their respective country's laws their own citizenship subject to the provisions contained in this Convention.

Article II. The child born in Nicaragua of an Italian father who was not born in Nicaragua, and if the father be unknown, of an Italian mother who was not born in Nicaragua, is an Italian subject, and, reciprocally, the child born in Italy of a Nicaraguan father who was not born in Italy, and if the father be unknown, of a Nicaraguan mother that was not born in Italy, is a Nicaraguan citizen.

They, however, may within the year of their becoming of age which is to be set according to their own law respectively elect the Nicaraguan or the Italian citizenship through a declaration made in person before the proper authority of the State whose citizenship they propose to renounce.

The authorities mentioned in the foregoing paragraph must ascertain identity of the declarant and the fact that he is of age and make an explicit statement of the whole in the report containing the declaration of election.

Article III. In the space of time between the date of the denunciation of the Treaty of Friendship, Commerce and Navigation of 1868 and the date of the provisions in this Convention, the children born in Nicaragua of an

[1] Text from 16 *Rivista di diritto internazionale*, 178. Ratifications of convention exchanged October 16, 1923.

Italian father who was not born in Nicaragua, and if the father be unknown, of an Italian mother that was not born in Nicaragua, shall be regarded as Italian citizens and the children born in Italy of a Nicaraguan father who was not born in Italy, and if the father be unknown, of a Nicaraguan mother that was not born in Italy, shall be regarded as Nicaraguan citizens.

Article IV. An Italian citizen who shall have become a Nicaraguan citizen and a Nicaraguan citizen who shall have become an Italian citizen will be restored in their original citizenship after residing two years without interruption in the territory of the State whose citizenship they had relinquished.

Between the time of six months from the date when the two years' residence are accomplished, the Governments of the High Contracting Parties may invalidate this remission of citizenship.

This provision will apply to the children born in Nicaragua of an Italian father born in Nicaragua, and if the father be unknown, of an Italian mother born in Nicaragua, and also to the children born in Italy of a Nicaraguan father born in Italy, and if the father be unknown, of a Nicaraguan mother born in Italy.

Article V. The Italian citizen who accepts official employment from the Government of Nicaragua or enters the military service of that State and the Nicaraguan citizen who accepts official employment from the Government of Italy or enters the military service of that State, and continue therein in spite of the cautions of their respective Governments to leave within six months the employment or the service, forfeit their own original citizenship.

Article VI. An Italian citizen residing in Nicaragua and a Nicaraguan citizen residing in Italy who jointly or individually commit crimes in the State of their residence, including offenses against the constitution, the name of the Government and the powers of the State itself, can only be tried in the ordinary courts organized in accordance with the local law and punished as the said laws provide.

Article VII. The citizens of one of the two Contracting Parties who shall have been naturalized in the other shall always on their return to their original country be liable to criminal proceedings for offenses committed prior to their emigration save the statute of limitations of final action in their favor.

Article VIII. The Italian citizens in Nicaragua and Nicaraguan citizens in Italy shall be exempt from any obligation to serve in the army or navy without prejudice to the obligations which under the domestic law of each State exist or arise in the cases of their citizenship being forsworn, acquired or re-acquired.

Article IX. For the purpose of this Convention the word "child" shall be understood to include the legitimate or legitimated children and the

natural children that have been acknowledged either voluntarily or through the courts.

For the same purposes the territory of each High Power is understood also to mean that of their colonies.

THE DANISH-ICELANDIC ACT OF UNION[1]

NOVEMBER 30, 1918

[TRANSLATION]

We Christian the Xth by the Grace of God King of Denmark of the Wends and Goths, Duke of Slesvig, Holsten, Stormarn, Ditmarsk, Lauenburg and Oldenburg make known that the "Althing" of Iceland and the "Rigsdag" of Denmark have passed and We by our consent have confirmed the following Act:

I

Section 1. Denmark and Iceland are free and sovereign states, united by a common King and by the agreement contained in this Union Act.

The names of both states are included in the title of the King.

. . . . .

II

Section 6. Danish citizens shall in Iceland in every respect enjoy the same rights as Icelandic citizens born in that country and vice versa.

The citizens of either country are exempt from military service in the other country.

. . . . .

III

Section 7. Denmark is entrusted with the safeguard of Iceland's foreign affairs.

In the Ministry for Foreign Affairs there shall be appointed, in accordance with the wishes of and in concert with the Icelandic Government, a commissioner conversant with Icelandic conditions for the purpose of dealing with Icelandic matters.

In places where no envoy or consul missus is stationed such an official shall be appointed at the desire of and in concert with the Icelandic Government on the condition that Iceland bears the expenses connected therewith.

On the same conditions attachés who are experts in Icelandic matters shall be attached to the existing legations and consulates. Should the Icelandic Government desire at their own expense to depute delegates to conduct

[1] Enclosure with Despatch No. 1062, November 14, 1929, from the American Minister to Denmark to the Secretary of State.

negotiations respecting specific Icelandic matters, this can be done in concert with the Minister for Foreign Affairs.

Agreements between Denmark and other countries already concluded and published are also valid for Iceland in so far as they affect that country. International agreements which Denmark may conclude after this Union Act has received royal sanction, shall not be binding for Iceland without the sanction of the proper Icelandic authorities.

. . . . .

IV

Section 15. Either country shall decide individually in which manner her interests or those of her citizens shall further be safeguarded in the other country.

V

Section 16. A Danish Icelandic Advisory Committee shall be established consisting of not less than six members, one half of whom shall be elected by Denmark's Rigsdag and one half by Iceland's Althing.

Any bill respecting the further execution of the matters mentioned in this Union Act as well as bills concerning the specific affairs of either state which are also of importance for the other state and the position and rights of her citizens, shall, when conditions do not make it specially difficult, be submitted by the Ministry in question to the Committee for consideration before they are brought before the Rigsdag or the Althing. It is incumbent on the Committee to recommend for amendment such stipulations in the bill as it considers derogatory to the interests of either country or her citizens.

It shall further be the task of the Committee at the request of the governments or on its own initiative to provide for the drafting of bills, which aim at the cooperation of the two countries and at harmony in their legislations as well as to contribute towards the establishment of uniform northern legislation.

The more detailed regulations respecting the constitution and activity of the Committee shall be made by the King on the proposition of the governments of both countries.

Section 17. In case the interpretation of the provisions of this Union Act should give rise to a divergence of opinion which cannot be settled by negotiations between the governments, the matter shall be referred to an Arbitration Committee consisting of four members, one half of whom shall be appointed by the Supreme Court of either country. This Arbitration Committee shall settle the disagreement by simple majority. In case there is an equality of votes, the settlement shall be entrusted to an umpire, whom the Swedish and Norwegian Governments in turn shall be requested to nominate.

VI

Section 18. After the expiration of the year 1940 the Rigsdag as well as the Althing may at any time demand the commencement of negotiations respecting the revision of this Act.

In case such negotiations do not lead to a renewed agreement within the expiration of three years from the time the demand is set forth, either the Rigsdag or the Althing may decide that the agreement contained in this Act shall be canceled. In order to make such resolution valid, not less than two thirds of the members of either of the Houses of the Rigsdag or of the United Althing shall have voted in favor thereof, and the resolution shall thereafter be sanctioned through a plebiscite by the voters who are entitled to vote at the ordinary elections of the legislative assembly of the country. In case this ballot should prove that at least three fourths of the electors have voted, and that at least three fourths of the votes cast are in favor of cancelment, the agreement shall thereby be canceled.

VII

Section 19. Denmark shall notify foreign powers that in conformity with the contents of this Union Act she has recognized Iceland as a sovereign state, and she shall simultaneously notify that Iceland has declared herself perpetually neutral and that she has no naval flag.

Section 20. This Union Act shall come into force on the 1st, of December 1918.

FRANCE—MONACO

DECLARATION SIGNED AT PARIS, OCTOBER 7, 1919[1]

[TRANSLATION]

The Government of the Prince, in the exercise of its sovereign prerogative of according naturalization, animated by the desire not to create double nationality and not to admit to the number of its subjects foreigners who would not be freed, with regard to their country of origin, from all bonds and all obligations incompatible with their new allegiance,

Declares of its own free will that, in the free exercise of its sovereignty, it will accord in the future Monacan naturalization to those foreigners only who prove that their naturalization or their reintegration will be recognized by the state of which they are nationals (*ressortissants*), that it will entail upon them, without possibility of voluntary or involuntary restrictions, the loss of their nationality of origin and that it will have the certain effect of freeing them in the future, as much in time of war as in time of peace, from

[1] Text from enclosure with Despatch No. 80, October 23, 1929, from the American Consul at Nice to the Secretary of State. See J. P. Niboyet and P. Goulé, *Recueil de textes usuels de droit international*, 603.

all military obligations towards their old country incompatible with their new allegiance.

Desirous moreover of assuring to its autochthonous subjects the situation that their Monacan origin legitimately assures them, His Sovereign Highness the Prince of Monaco will show himself always solicitous, in full accord with the French Government, of not making use, in general, of his prerogative in the matter of naturalization, to an extent which would accentuate the proportion actually existing between the number of its autochthonous subjects and that of its naturalized subjects.

His Sovereign Highness the Prince of Monaco desirous, on the other hand, of preventing regrettable incidents which the naturalization of foreigners or the reintegration of foreigners into the Monacan nationality might provoke, from the point of view of public security in the French frontier region and in the Principality, declares his intention to take account of that security with regard to everything relating to the naturalizations and reintegrations which he will accord in the free exercise of his sovereignty.

The Government of the French Republic, in taking action on this declaration, declares that, in a spirit of just and equitable reciprocity, in case the Government of the Prince would judge it opportune to submit to certain restrictions the foreign naturalization of its subjects or of subjecting the recognition of the validity of that naturalization to the obtaining of a previous authorization, it will not accord French naturalization to Monacan subjects except upon a previous showing by them that these restrictions are not applicable to them or that they have obtained from the Government of the Prince the requisite authorization.

The present declaration will go into effect as of the present date. In faith whereof the respective plenipotentiaries have signed the present declaration.

BULGARIA—GREECE

CONVENTION SIGNED AT NEUILLY, NOVEMBER 27, 1919[1]

[TRANSLATION]

Article 5. Emigrants shall lose the nationality of the country which they abandon from the time when they shall have left it, and they shall acquire that of the country of destination upon their arrival on the territory of that country.

[1] Text from enclosure with Despatch No. 1408, January 24, 1929, from the American Chargé d'Affaires at Sofia to the Secretary of State.

AUSTRIA—CZECHOSLOVAKIA

TREATY SIGNED AT BRUNN, JUNE 7, 1920[1]

[TRANSLATION]

The Czecho-Slovak Republic and the Austrian Republic have concluded the following Treaty for the settlement of questions of citizenship and of the protection of Minorities:

By the expression "Treaty with Austria" in the present Treaty is to be understood the Peace Treaty signed at Saint-Germain-en-Laye on the 10th September, 1919, and by "Treaty with the Republic of Czecho-Slovakia" is to be understood the Treaty signed at Saint-Germain-en-Laye on the 10th September, 1919, between the Allied and Associated Powers and the Czecho-Slovak Republic.

PART I.—CITIZENSHIP

III.—(1) Both States mutually recognize rights of citizenship acquired in either State by public officials, in accordance with paragraph 10 of the law of the 5th December, 1896 ("Reichs-Gesetzblatt," No. 222), as a basis for the nationality of such persons.

(2) It is also mutually agreed that nationality may be acquired in either State by definite appointment to a post in a State institution or in some State undertaking. In the like manner public officials employed in the foreign service of either of the two States, whose official residences are outside the State by which they are appointed, shall be recognized as nationals of that State; the same rule shall apply—but without prejudice to the provisions of Section V of the Treaty with Austria—to persons who, on the 10th day after the signature of that Treaty, were doing duty in the forces of one of the two States as privates or non-commissioned officers.

V. Both Contracting Parties agree to regard the provisions of Article 65 of the Treaty with Austria and of Article 6 of the Treaty with the Czecho-Slovak Republic as supplementary, that is to say: in cases where the other provisions relating to nationality do not suffice to establish the nationality of a national of the former Austrian State, these provisions shall constitute a *praesumptio juris sed non de jure* in favour of a nationality corresponding to the place of birth, which shall hold good in so far as no proof of nationality of another State by parentage is produced. The words at the end of Article 65 "par sa naissance d'une autre nationalité" and at the end of Article 6 "d'une autre nationalité de naissance" are therefore in practice to be interpreted not according to the place of birth but according to parentage.

XVI. The two Contracting Parties mutually guarantee that they will not

[1] Text from 113 *Br. and For. St. Papers*, 918. Ratifications of treaty exchanged March 10, 1921.

admit nationals of the other State to nationality in their State, except where such admission is based upon the provisions of the two aforesaid international Treaties, until the other State has released the person to be thus admitted from its nationality.

XXX. Should one of the two Governments consider that a declaration of option in favour of nationality of the other State submitted by one of its nationals is clearly illegal—that is to say, that the conditions laid down in the Treaty with Austria, the Treaty with the Czecho-Slovak Republic and the present Treaty, are clearly not applicable in the case—such Government may, before submitting the case to the Mixed Commission (Article XXIII), request the Diplomatic Representatives of the other State to declare, on behalf of the State they represent, that the declaration of option is null and void.

CZECHOSLOVAKIA—GERMANY

TREATY SIGNED AT PRAGUE, JUNE 29, 1920[1]

[TRANSLATION]

DEFINITIONS

Article 1.—1. For the purposes of Articles 84 and 85 of the Treaty of Peace and also of the present Treaty, the place in which a person is established with the evident intention of making it his or her permanent home shall be regarded as the place where that person is habitually resident or domiciled.

2. Should any person have more than one place of residence within the meaning of the above paragraph, the place which constitutes the principal centre of that person's economic and other interests and activities shall be regarded as his or her habitual place of residence.

3. If it should prove impossible to establish which place of residence constitutes the principal centre of such persons' interests and activities within the meaning of Articles 84 and 85 of the Treaty of Peace and of Article 7 of the present Treaty the wishes of the persons concerned shall be decisive. Such persons shall, within six months after the coming into force of the present Treaty, send a written declaration indicating which place of residence is to serve as the basis for the application of these provisions to the Ministry of the Interior of the State in whose territory the place of residence referred to is situated. This declaration shall immediately be communicated to the Government of the other State.

Article 13. *Naturalisation.* The two Contracting Parties mutually guarantee that they will not admit nationals of the other State to nationality in their State, except where such admission is based upon the provisions of

[1]Text from 20 *League of Nations Treaty Series*, 99.

the Treaty of Peace of Versailles, until the other State has released the person to be thus admitted from its nationality. Release from their former nationality may not be refused to persons who prove that they have transferred, or are about to transfer, their residence to the territory of the other Party. Release from nationality shall be considered as non-valid if the person to whom it has been granted retains or resumes his residence in his former country of domicile within a period of six months after notice of discharge has been issued.

LATVIA—LITHUANIA

CONVENTION SIGNED AT RIGA, MAY 14, 1921[1]

[TRANSLATION]

1. Nationality in Latvia and Lithuania shall be determined in accordance with the respective laws of each of these States.

Persons who are recognised by the laws of the two States as their citizens may choose the nationality of either State. Such persons may not be prosecuted, punished or subjected to exceptional measures of any kind in respect of their choice of nationality or of the consequences of such choice.

Persons who belong to any district situated in one of the Contracting States and who, up to August 1, 1914, had resided not less than 25 years in the territory of the other State, shall be entitled to claim rights of citizenship in the latter State.

Persons to whom the provisions laid down in Article 2 do not apply shall be recognised as having rights of citizenship in the State to which they belong.

2. In addition to the cases mentioned in Article I, rights of citizenship in either of the Contracting States may be accorded upon special application:

(a) to the descendants of the persons referred to in the third paragraph of Article I, and
(b) to foreigners who have resided not less than five years in the State in question.

A female citizen of one of the Contracting States who has acquired through marriage with a citizen of the other State rights of citizenship in the latter may, within a period of one year from the date of separation from her husband, resume her previous nationality.

The validity of orders granting rights of citizenship shall be confirmed in accordance with the internal laws and regulations of either State.

3. The following shall forfeit rights of citizenship in either of the Contracting States:

(a) persons who have taken the nationality of another State;
(b) persons who are simultaneously citizens of another State.

[1] Text from 17 *League of Nations Treaty Series*, 243.

4. Lithuanians residing in Latvia and Latvians residing in Lithuania shall have the right to opt for the nationality of the State to which they originally belonged, even in cases where they have subsequently adopted the nationality of the State in which their permanent residence is situated.

Such persons shall have the right to request to be admitted to the nationality of the State in which they reside, if they have resided there not less than 20 years.

5. Declarations of option must be submitted to the Consul of the State for which it is desired to opt. The Consul shall accept or refuse declarations of option in accordance with the present Convention and the laws and regulations of the State for which an option has been made.

Declarations of option by minors and persons in the custody of a guardian or trustee shall be submitted by their guardian or trustee.

6. Wives, and children up to 18 years of age, shall take the nationality for which their husbands have opted. Adopted and legitimated children up to 18 years of age shall take the nationality of the person who adopted or legitimated them.

7. The right to opt shall expire two years after the day on which the instruments of ratification of the present Convention are exchanged. After that period rights of citizenship can only be acquired in accordance with the internal laws and regulations of the Contracting States concerned.

AFGHANISTAN—PERSIA

TREATY SIGNED AT TEHERAN, JUNE 22, 1921[1]

[TRANSLATION]

ADDITIONAL ARTICLE II

The tribes and nomads, such as Berberi and others, who emigrated in former times from Afghanistan to Persia, shall remain, as formerly, Persian subjects. The Berberi visiting Afghanistan shall not be permitted to enter Afghan territory without first obtaining a visa for their passports from the diplomatic and consular authorities of Afghanistan in Persia. The nomads living on the frontiers of the two countries who pass the winter in the territory of one of the two High Contracting Parties and the summer in that of the other, shall be considered as Persians during their sojourn in Persia and as Afghans during their sojourn in Afghanistan.

Persons who, before the establishment of the Afghan Legation at Teheran, emigrated from Afghanistan and established themselves in Persia, shall, as formerly, be considered Persian subjects.

Only merchants who have proceeded to Persia from Afghanistan in the

[1] Text from 33 *League of Nations Treaty Series*, 295.

course of their business and are in temporary residence shall be considered as Afghan subjects, on condition that documentary proof is forthcoming that the Persian authorities have not heretofore treated them as Persian subjects.

ADDITIONAL ARTICLE III

It is likewise agreed that the nomad tribes who have emigrated from Persia to Afghanistan shall remain as formerly under Afghan sovereignty and shall have no right to enter Persian territory without first obtaining a visa from the Persian diplomatic or consular authorities as laid down *mutatis mutandis* in additional Article II of the present Treaty, and as a measure of reciprocity for the treatment accorded to the nomads and tribes who, in former times, emigrated from Afghanistan to Persia. Persons who, before the establishment of the Persian Legation at Kabul, emigrated from Persia to Afghanistan shall, as formerly, be considered as Afghan subjects.

Only merchants who have proceeded to Afghanistan from Persia in the course of their business and are in temporary residence shall be considered as Persian subjects, on condition that documentary proof is forthcoming that the Afghan authorities have not, heretofore, treated them as Afghan subjects.

GREECE—TURKEY

CONVENTION SIGNED AT LAUSANNE, JANUARY 30, 1923[1]

[TRANSLATION]

Article 7. The emigrants will lose the nationality of the country which they are leaving, and will acquire the nationality of the country of their destination upon their arrival in the territory of the latter country.

Such emigrants as have already left one or other of the two countries and have not yet acquired their new nationality, shall acquire that nationality on the date of the signature of the present Convention.

FRANCE—GREAT BRITAIN

EXCHANGE OF NOTES, MAY 24, 1923[2]

(1) *The Marquess Curzon of Kedleston to Count de Saint-Aulaire*

FOREIGN OFFICE, LONDON, *May 24, 1923.*

YOUR EXCELLENCY,

His Majesty's Government will be prepared to proceed no further with the case submitted to the Permanent Court of International Justice arising

[1] Text from 32 *League of Nations Treaty Series*, 76. Convention ratified by Turkey August 23, 1923, by Greece August 25, 1923.

[2] Text from 18 *League of Nations Treaty Series*, 306.

out of the nationality decrees promulgated in Tunis on November 8, 1921,[1] on receipt of an undertaking by the French Government that arrangements will be made by them before January 1, 1924, whereby a British national who is the child born in Tunis of a British national who was himself born there shall be entitled to decline French nationality. This right will not, however, extend to succeeding generations.

(2) I understand from your Excellency that the child born in Tunis of a British national born elsewhere than in Tunis is not claimed by your Government to possess French nationality and that French nationality will not be imposed on any British national born in Tunis before November 8, 1921, without an opportunity being afforded to him to decline it.

(3) I should be glad to receive from you at the same time an assurance that no attempt will be made to impose Tunisian nationality instead of French nationality on British nationals in Tunis.

(4) It is of course understood that in agreeing to discontinue the proceedings at The Hague neither His Majesty's Government nor the French Government abandon the point of view which they have maintained in the diplomatic correspondence and in the preliminary proceedings at The Hague, nor will the principle adopted in the present Agreement be applicable elsewhere than in Tunis.

(5) With regard to the application to British nationals of the corresponding nationality decrees issued in Morocco (French zone), I would propose that for the present no further proceedings should take place at The Hague, as in present circumstances the question is not one of practical importance. On this question, therefore, the two Governments will maintain their present positions and reserve their rights.

I have, etc.

(Signed) CURZON OF KEDLESTON.

(2) *Count de Saint-Aulaire to the Marquess Curzon of Kedleston*

[TRANSLATION]

FRENCH EMBASSY, LONDON, *May 24, 1923.*

MY LORD,

In your Lordship's Note of to-day's date you inform me that His Majesty's Government are prepared to proceed no further with the case submitted to the Permanent Court of International Justice relative to the nationality decrees promulgated in Tunis on November 8, 1921, if the French Government engage to take before January 1, 1924, all necessary measures whereby a British subject born in Tunis of a British subject who was himself born there will have the right to decline French nationality, such right, however, not to extend to succeeding generations.

[1] Publications of the Permanent Court of International Justice, Series B, No. 4.

The French Government authorise me to inform the British Government that these measures will be taken in good time.

It is understood that the child born in Tunis of a British subject born elsewhere than in Tunis is not claimed by the French Government as a French national, and that French nationality will not be imposed on any British subject born in Tunis before November 8, 1921, without the option being given him to decline it.

No attempt will be made to impose Tunisian nationality instead of French nationality on British subjects in Tunis.

In agreeing to discontinue the proceedings at The Hague, neither the French Government nor that of His Majesty abandon the point of view which they have maintained in the diplomatic correspondence and in the preliminary proceedings at The Hague, nor will the principle adopted in the present Agreement be applicable elsewhere than in Tunis.

The application to British subjects of the corresponding nationality decrees promulgated in Morocco (French zone) does not at present give rise to any proceedings at The Hague, the question not being at the moment of practical importance. On this question, therefore, the two Governments will maintain their present position and reserve their rights.

I have, etc.

(Signed) SAINT-AULAIRE.

BULGARIA—UNITED STATES OF AMERICA

TREATY SIGNED AT SOFIA, NOVEMBER 23, 1923[1]

Article I. Nationals of the United States who have been or shall be naturalized in Bulgarian territory, shall be held by the United States to have lost their former nationality and to be nationals of Bulgaria.

Reciprocally, nationals of Bulgaria who have been or shall be naturalized in territory of the United States shall be held by Bulgaria to have lost their original nationality and to be nationals of the United States.

The foregoing provisions of this Article are subject to any law of either country providing that its nationals do not lose their nationality by becoming naturalized in another country in time of war.

The word "national," as used in this convention, means a person owing permanent allegiance to, or having the nationality of, the United States or Bulgaria, respectively, under the laws thereof.

The word "naturalized," refers only to the naturalization of persons of full age, upon their own applications, and to the naturalization of minors through the naturalization of their parents. It does not apply to the acquisition of nationality by a woman through marriage.

[1] Text from 43 Stat. 1759. Ratifications of treaty exchanged April 5, 1924; proclaimed May 6, 1924.

Article II. Nationals of either country who have or shall become naturalized in the territory of the other, as contemplated in Article I, shall not, upon returning to the country of former nationality, be punishable for the original act of emigration, or for failure, prior to naturalization, to respond to calls for military service not accruing until after bona fide residence was acquired in the territory of the country whose nationality was obtained by naturalization.

Article III. If a national of either country, who comes within the purview of Article I, shall renew his residence in his country of origin without the intent to return to that in which he was naturalized, he shall be held to have renounced his naturalization.

The intent not to return may be held to exist when à person naturalized in one country shall have resided more than two years in the other.

BOLIVIA—GERMANY

DECLARATION SIGNED AT LA PAZ, MARCH 12, 1924[1]

[TRANSLATION]

Article 3. Articles 6 and 7 (of the Treaty signed at La Paz, July 22, 1908) shall be superseded by a new Article 6 reading as follows:

The laws of each contracting party concerning citizenship shall be those which are used in determining the status of a German or Bolivian citizen respectively, whatever may be the laws of the other nation, which the citizen might attempt to invoke in his favor.

GERMANY—POLAND

CONVENTION SIGNED AT VIENNA, AUGUST 30, 1924[2]

[TRANSLATION]

Article 4. German nationals shall be considered as habitually resident within the meaning of paragraphs 1, 2 and 3 of Article 91 of the Treaty of Versailles and Article 3 of the Treaty of June 28, 1919, in the territory defined in Article 3 of the present Convention, when, in conformity with the provisions hereinafter contained, they shall have established their habitual residence there and shall not have abandoned it.

Paragraph 1.—(1) Habitual residence shall have been established when a German national shall have settled in the aforementioned territory in order to carry on there the pursuit of his chosen objects in life, and shall be residing there habitually and regularly without any intention of leaving.

[1] Text from *Reichsgesetzblatt*, No. 30, Part II, dated July 8, 1927, p. 456.
[2] Text from 32 *League of Nations Treaty Series*, 333. Ratifications of convention exchanged January 31, 1925.

(2) Habitual and regular residence implies residence for a substantial proportion of the time.

Paragraph 2.—(1) Habitual residence shall be considered to be abandoned when the establishment has been brought to an end and the German national in question has left the above-mentioned territory without the intention of returning.

(2) The fact that the establishment has been brought to an end gives rise to a presumption of absence of the intention to return. On the other hand an intention to return shall be presumed when the person concerned shall have re-established himself not later than January 10, 1920, in the centre where he shall have been living before he gave up his establishment. A like presumption arises where the person concerned has re-established himself not later than January 10, 1920, in the territory surrendered by Germany, and where:

(a) during the period of establishment his parents, or, in case the marriage has been dissolved one of his parents had been habitually resident in the said territory; or where
(b) between his first settling in the said territory prior to Jan. 1, 1908, and January 10, 1920, he had been established there for at least 10 years after reaching his eighteenth year.

Paragraph 3.—(1) Residence of a temporary nature, or for purposes of pleasure such as country visiting, inspection of an undertaking, pursuit of game, shall not be regarded as constituting habitual residence within the meaning of the present Convention.

(2) The same applies to residence for secondary purposes, as such will be considered, in particular, attendance at schools of all kinds, professional training or preparation, probation as "assistant" or "candidate," compulsory military service or participation in the war.

(3) Where the establishment shall have been given up in the pursuit of secondary objects, such as those referred to under (2) of the present paragraph, maintenance of habitual residence shall be presumed if the person concerned shall have re-established himself in the territory defined in Article 3 of the present Convention not later than January 10, 1920.

BULGARIA—TURKEY

PROTOCOL SIGNED AT ANGORA, OCTOBER 18, 1925[1]

[TRANSLATION]

B.

The Turkish Government recognizes the status of Bulgarian nationals for all Bulgarians born on the territory of Turkey of 1912 and who, having emigrated to Bulgaria, previous to the signing of the present protocol, have

[1] Text from enclosure with Despatch No. 1408, January 24, 1929, from the American Chargé d'Affaires at Sofia to the Secretary of State.

acquired Bulgarian nationality by virtue of the domestic legislation in force in the kingdom.

The Bulgarian Government recognizes the status of Turkish nationals to all Mussulmans born within the limits of Bulgaria of 1912, and who, having emigrated to Turkey previous to the signing of the present protocol, have acquired Turkish nationality by virtue of the domestic legislation in force in the republic.

Married women shall have the status of their husbands and children less than eighteen years of age that of their fathers.

It is completely understood that Turkish and Bulgarian nationals of the two categories mentioned above preserve their rights of ownership to properties located in Bulgaria and Turkey respectively, except the categories mentioned in Article C.

If Bulgarians born on the European territory of Turkey, the city of Constantinople excepted, having emigrated to Bulgaria, should wish to reestablish themselves in the territory mentioned above, the Turkish Government reserves complete liberty to grant or refuse its consent to that effect in each particular case.

The Bulgarian Government reserves exactly the same right as regards Mussulmans born in the regions annexed to Bulgaria in 1913 and having emigrated to Turkey, in cases where they would like to reestablish themselves in the territory mentioned above.

NOTE: In the terms of the present protocol, Constantinople includes the districts of the prefecture of the city of that name, as they are delimited by the law of 1912.

ALBANIA—GREECE

CONVENTION SIGNED AT ATHENS, OCTOBER 13, 1926[1]

[TRANSLATION]

Article I. The Albanian Government recognizes as Greek subjects:

(1) Former Ottoman subjects, who were born in the provinces which form today the Albanian Republic, are domiciled in Greece, and have reacquired Greek nationality in accordance with the Greek laws prior to July 29, 1913.

(2) Persons born in Albania who were domiciled in West Thrace on August 6, 1924.

(3) Individuals born in the former Ottoman provinces which form today the Albanian Republic, who reside on the territory of a third power and who have become Greek subjects in accordance with the Greek laws prior to June 29, 1913, will be recognized by the Albanian Government as Greek subjects. Nevertheless, they may opt for Albanian nationality within a period of one year from the exchange of ratifications of the present convention. The option of these individuals will be made by a double

[1] Text from *Journal of the Greek Republic*, October 13, 1928, p. 1868.

declaration before the consular authorities, Greek and Albanian, of their place of residence. The Greek and Albanian consular authorities must exchange lists of the individuals, who, on the basis of the preceding paragraph, will have opted for Albanian nationality.

Article II. Individuals born in the former Ottoman provinces, which form today the Albanian Republic, and who were domiciled, on August 6, 1924, in the provinces annexed by Greece after January 1, 1913, are Greek subjects. They may, however, also opt for Albanian nationality within a period of one year after the exchange of ratifications of the present convention. Persons who have opted for Albanian nationality may reside in Greece for three years after the exchange of ratifications of the present convention. After the expiration of this period they must leave the Greek territory and transfer their domicile outside of Greece, unless the Greek Government allows them to continue their domicile. The option of these persons will be made by a double declaration to the Chief of the Province of their residence and to the Albanian consular authorities.

Persons who come to Greece in order to find work and who are not accompanied by their spouses or children are not included in this category. The Greek and Albanian authorities must exchange lists of individuals who, according to the preceding paragraph, will have opted in favor of Albanian nationality. The Greek Government, in addition, recognizes as valid the prior declaration of option in favor of Albanian nationality made by this category of persons and which has been forwarded to the Greek authorities by a constable.

The nationality of the father governs that of the minor children and of the wife.

Article III. Greek army and navy officers in active service or retired, born in the provinces of the Albanian State, are recognized as Greek subjects. Albanian army officers in active service or retired, as well as Albanian public officials, born in any province of Greece, are recognized as Albanian subjects.

Article IV. Persons born in the provinces annexed by Greece after January 1, 1913, who were domiciled in Albania on November 1, 1915, are Albanian subjects and have the right of option for Greek nationality within a period of one year from the exchange of ratifications of the present convention. Persons who make such option in favor of Greek nationality will be obliged to leave Albania and to transfer their domicile outside of Albania within a period of three years from the exchange of ratifications of the present convention unless the Albanian Government allows them to continue their residence.

Article V. The Greek Government recognizes as Albanian subjects:

(1) Persons born in the Albanian territory, and domiciled on June 29, 1913 on territories that belonged to Greece prior to January 1, 1913, if they have not renounced their Ottoman nationality, and if they have become naturalized Greeks under the terms provided for in paragraph one of

Article I. It is agreed that children born and domiciled in the territory which formed part of Greece prior to January 1, 1913, are not included in the category of the persons referred to in the previous paragraph, if they become of age on June 29, 1913, and are recognized as Greek subjects.

(2) Persons born in the territory of the Albanian State who were formerly Ottoman subjects and who, after June 29, 1913, came to territory which formed part of Greece prior to January 1, 1913, and who are still living there today.

(3) Persons born in Albania who were formerly Ottoman subjects and came to establish themselves on Greek territory, such as it is constituted by its present boundaries, after August 6, 1924.

(4) Persons born in Albania and who were formerly Ottoman subjects and who came on Greek territory, such as it is constituted by its present boundaries, at any time, and whose spouses and children are not domiciled in Greece.

Article VI. Persons who are recognized reciprocally by the present convention as Albanian or Greek subjects will have the right to travel freely on the territory of the other state for their commercial or other affairs, to reside there, to maintain, dispose, and manage freely their movable and immovable property, as well as their rural estates already acquired, to inherit by will or intestacy from their parents or any other person of Albanian or Greek nationality and to succeed to them in all their rights. If a Greek subject is heir to the rural estates of an Albanian subject he will acquire ownership of his estates and will exercise all the rights of ownership, but he will be obliged to sell them to Albanian subjects within a period of seven years from the death of that subject. If the aforesaid sale cannot be made at a reasonable price, the said estate will be bought by the Albanian Government at a just price, to be paid in cash, which will be fixed by commercial experts taken from the place of the rural estate. Two of those experts will be respectively designated by the Albanian Government and by the interested person. They will have the right to designate the third one.

It is agreed that in case the Albanian Government shall recognize the right of succession to its rural estates for subjects of a third power, Greek subjects will also profit from that privilege. The right of establishing themselves is reserved to the persons recognized by the present convention as Greek or Albanian subjects respectively by Articles I, III, and V.

Article VII. The two governments agree to free the persons whose nationality is governed by the present convention of any military obligation.

Article VIII. The agreement of August 11, 1925, between the General Director of the Ministry of Foreign Affairs of Greece, and of the Albanian Chargé d'Affaires at Athens for the temporary recognition of the passports delivered by the authorities of the two High Contracting Parties will be in force for eight months from the signature of the present convention. The exchange of ratifications of the present convention must be made within the maximum period of eight months.

DENMARK—GERMANY

ANNOUNCEMENT ISSUED AT BERLIN, DECEMBER 8, 1926[1]

[TRANSLATION]

Between the German Government and the Danish Government there was agreed, October 28, 1926, under the conditions of reciprocity, through the exchange of declarations corresponding to each other, which are found in an exchange of notes between the German Legation in Copenhagen and the Danish Ministry of Foreign Affairs which is to go into immediate effect:

German nationals living in Denmark, who do not hold the unrestricted Danish citizenship right, are exempted from any military service in Denmark. This applies to land, sea and air service and to the army as well as the navy, and to militia systems of any kind of a semiofficial or non-official character. It also applies to peace and war times. This agreement shall be recorded in Denmark as a convention in the sense of Article 2 of the Danish law concerning military service of June 8, 1912.

ARGENTINA—FRANCE

CONVENTION SIGNED AT PARIS, JANUARY 26, 1927[2]

[TRANSLATION]

The Government of the Argentine Nation and the Government of the French Republic wishing in the spirit of friendly harmony to ward off the difficulties springing from the military condition of the persons who are both Argentine citizens under the law of Argentina and French nationals under the laws of France have agreed to the following provisions.

Article 1. It is held that persons born on the territory of the Argentine Republic have discharged in France the obligations of military service in peace times that they would incur under the French law so long as they should have discharged the obligations placed upon them by the Argentine military law and prove it by producing an official document of the Argentine authorities.

Article 2. It is held that persons born on the territory of the Argentine Republic have discharged in the Argentine Republic the obligations of military service in peace times that they would incur under the Argentine law so long as they should have discharged the obligations upon them by

[1] Text from *Reichsgesetzblatt*, No. 48, Part II, dated December 14, 1926, p. 722.

[2] Text from *Circular informativa mensual*, Febrero de 1927, Numero 117, p. 47.

An identical convention, between France and Paraguay, was signed at Asunción on August 30, 1927 (Enclosure with Despatch No. 8030, November 15, 1927, from the American Ambassador to France to the Secretary of State); and between France and Peru, at Paris, on March 16, 1927 (Enclosure with Despatch No. 7344, May 12, 1927, from the American Ambassador to France to the Secretary of State).

the French military law and prove it by producing an official document of the French authorities.

Article 3. The provision in this convention does not in any way alter the juridical status of the persons mentioned in the foregoing articles with regard to nationality.[1]

CZECHOSLOVAKIA—UNITED STATES OF AMERICA

TREATY SIGNED AT PRAGUE, JULY 16, 1928[2]

Article I. Nationals of the United States who have been or shall be naturalized in Czechoslovak territories shall be held by the United States to have lost their former nationality and to be nationals of Czechoslovakia.

Reciprocally, nationals of Czechoslovakia who have been or shall be naturalized in the territories of the United States shall be held by Czechoslovakia to have lost their former nationality and to be nationals of the United States.

The foregoing provisions of this Article shall not be applicable to a national of either country who obtains naturalization in the other while his country is at war.

The word "national", as used in this convention, means a person having the nationality of the United States or Czechoslovakia, respectively, under the laws thereof.

The word "naturalized" refers to the naturalization of a person over twenty-one years of age, granted upon his own application, while he is permanently residing within the country of naturalization, and to the naturalization of a person under twenty-one years of age through the naturalization of a parent, provided such person has acquired a permanent residence within the country of naturalization.

Article II. Nationals of either of the Contracting States naturalized as provided in Article I, shall not, upon their return to the territory of the country of which they were formerly nationals, be prosecuted or punished for expatriation or for having failed, prior to their naturalization, to answer summonses to military service which had been served upon them within a period of five years preceding their naturalization.

Article III. If a national of either country, who comes within the pur-

[1] On July 29, 1922, a convention between Great Britain and Brazil on the subject of dual nationality was signed at Rio de Janeiro (*Rev. de dr. int. pr.* [1922] 786) which, however, does not seem to have been ratified. In contra-distinction to the French treaties with Paraguay, Peru and Argentina, to which it is otherwise similar, it would have exempted persons born either in Great Britain or Brazil from military service in the country of birth if they had performed such service in the other country, whereas the French treaties with Argentina, Paraguay and Peru do not affect persons born in France but only those born in Argentina, Paraguay, or Peru.

[2] Text from *United States Treaty Series*, No. 804. Ratifications exchanged and treaty proclaimed in the United States November 14, 1929.

view of Article I, shall renew his residence in his original country without the intent to return to that in which he was naturalized, he shall be held to have lost the nationality acquired by naturalization.

The intent not to return may be held to exist when a person naturalized in the one country shall have resided more than two years in the other.

BELGIUM—FRANCE

CONVENTION SIGNED AT PARIS, SEPTEMBER 12, 1928[1]

[TRANSLATION]

Article I. A French woman acquires, by marriage with a Belgian, celebrated in Belgium, the status of Belgian citizen unlesss he declares, within six months from the day of marriage and in the form prescribed by Belgian law, her desire to retain French nationality. In this case, she shall be considered as not having lost her French nationality.

If the marriage is celebrated in France, a French woman who marries a Belgian retains her nationality unless, before the marriage, she expressly declares in the form prescribed by French law her desire to acquire, in conformity with the provisions of Belgian law, the nationality of her husband.

Article II. A Belgian woman who marries a citizen of France in Belgium acquires French citizenship unless she declares, within six months from the day of marriage and in the form prescribed by Belgian law, her desire to retain Belgian nationality.

If the marriage is celebrated in France, a Belgian woman who marries a citizen of France retains her nationality unless she expressly declares, before marriage and in accordance with the provisions of French law, her desire to acquire the nationality of her husband.

Article III. Declarations made in the course of marriage in virtue of Articles I and II are not submitted, in case the declarant is a minor, to the authorization of her legal representatives.

Article IV. In cases where the future wife, upon the date of marriage, may possess French nationality within the terms of French law and Belgian nationality within the terms of Belgian law, she shall be considered, in so far as concerns the application of Articles I and II of the present convention, as possessing exclusively the nationality of that one of the two countries in which the marriage is celebrated.

Article V. For the application of the present convention the presentation of certificates bearing upon the divergence of laws or customs in the two countries (*certificat de coutume*) shall not be required.

Article VI. The two governments shall communicate to each other semi-

[1] Text from enclosure with Despatch No. 399, March 2, 1929, from the American Chargé d'Affaires at Brussels to the Secretary of State. Convention not ratified by France up to September 30, 1929.

annually literal copies of the declarations contemplated in the present convention.

Article VII. The present convention shall be denounced from year to year, to date from the exchange of ratifications.

BELGIUM—FRANCE

CONVENTION SIGNED AT PARIS, SEPTEMBER 12, 1928[1]

[TRANSLATION]

Article I. Those persons shall not be included in Belgian military recruiting lists, before having attained the full age of twenty-two years, unless they shall so request, who, born in France of Belgian parentage, possess Belgian nationality within the terms of the Belgian law, and who, within the terms of the French law, are either French with the faculty of repudiation or entitled to acquire French nationality by declaration or by natural right.

Article II. There shall not be included in French military recruiting lists, before having attained the full age of twenty-two years, unless they shall so request:

(1) persons born in Belgium of French parentage, who may by option acquire Belgian nationality;

(2) unless they shall have renounced claim to Belgian nationality, persons of French nationality who have become Belgian by natural right or by reason of the acquisition of Belgian nationality by one of their parents, in case the Belgian law recognizes the collective application of the change of nationality of an ascendent to a minor child;

(3) persons who possess within the terms of the Belgian law the status of Belgian citizenship and who, within the terms of the French law, are French with the faculty of repudiation, unless such faculty shall have been previously renounced.

Article III. In the cases contemplated in Articles I and II, persons who, by reason of an option either expressed or tacit, shall have complied with the army recruiting laws in one or the other country, shall be released from all military service in the other country.

Article IV. Minors shall not be subject to military service in Belgium, who have become French by reason of the acquisition of French nationality by one or the other of their parents under conditions within which the French law recognizes the collective application of the change of nationality of an ascendent to a minor child.

Article V. There shall not be subject to military service in Belgium, unless their habitual residences between the ages of sixteen and twenty-one years have been maintained outside of France or of the territories subject to French authority, and, in this case, if they have not complied with the recruiting

[1] Text from enclosure with Despatch No. 399, March 2, 1929, from the American Chargé d'Affaires at Brussels to the Secretary of State. Convention effective from September 16, 1929.

laws of France, minors born in France, one of whose ascendents is French and the other Belgian, or, born in France of one Belgian ascendent who was also born in France, who are French without the faculty of repudiation within the terms of the French law.

Inclusion in the French census tables of minors susceptible, by virtue of the preceding paragraph, of being so incorporated in Belgium, shall be deferred, unless they shall request to be so included, until they shall have attained the full age of twenty-two years.

They shall be released from all military service in France if, at this age, they have complied with the recruiting laws of Belgium.

Article VI. Citizens of the contracting countries residing in the colonies, protectorate or mandated territories of each of the two countries shall be considered, for the application of the present convention, as residing within the metropolitan territory.

Article VII. The two governments shall communicate reciprocally to each other, with as little delay as possible, the records made by their respective authorities of cases contemplated in the present convention.

They shall also notify each other of individuals who evade military service in one of the two countries by claiming allegiance to the other.

Article VIII. Persons who, previous to the application of the present convention, shall have fulfilled their obligations with respect to active military service in one of the two countries, shall no longer be subject to such service in the other country.

Article IX. The children of diplomatic agents or of consuls of career retain the nationality of their parents, unless they request, in accordance with legal provisions, the benefit of the laws of the country in which they were born.

Article X. The present convention is concluded for a period of five years to date from the exchange of ratifications. In case neither of the High Contracting Parties shall have given notice, one year before the expiration of this period, of its intention to terminate the application of the convention, it shall continue in effect for another year, to date from the day upon which one of the Parties shall have denounced it.

The application of the convention shall be suspended by common right in case of mobilization in France or in Belgium and during the entire period of mobilization.

HOLY SEE—ITALY

TREATY SIGNED AT ROME, FEBRUARY 11, 1929[1]

[TRANSLATION]

Article 9. In conformity with the rules of international law, all persons having a permanent residence (*stabile residenza*) in the City of the Vatican

[1] Text from *Rivista di diritto internazionale* (1929) 286. Ratifications of treaty exchanged June 7, 1929.

shall be subject to the sovereignty of the Holy See. Such residence shall not be lost by the simple fact of temporary residence elsewhere when it is not accompanied by the loss of habitation in the city itself or by other circumstances proving the abandonment of residence.

When they shall cease to be subject to the sovereignty of the Holy See, the persons mentioned in the preceding paragraph shall be considered Italian citizens in Italy unless, according to Italian law and independently of the circumstances outlined above, they be in possession of another nationality.

To these same persons, while they are subject to the sovereignty of the Holy See, shall be applicable the provisions of the Italian laws in the territory of the Kingdom of Italy, even in matters wherein personal law must be observed (except when such matters are regulated by rules issued by the Holy See), and to those persons who are considered citizens of other countries shall be applied the laws of the State to which they belong.

BRAZIL—ITALY

STATEMENT CONCERNING *MODUS VIVENDI* NEGOTIATED AT ITAMARATY IN 1929[1]

[TRANSLATION]

DUAL NATIONALITY

Questions of double nationality cannot be settled by recourse to law as they originate from various and discordant systems.

During the Great War cases of dual nationality were very common on account of the pressure upon belligerent nations from the sons of these nationals in regard to performing military service.

It was impossible to conciliate principles because the system of *jus sanguinis* adopted by the European countries could not be brought into harmony with that of *jus soli* which is generally accepted in America.

The government had to consider each case separately and was unable to establish a general principle and this caused individual decisions which had no juridical or permanent quality.

Mr. Azevedo Marques, when Brazilian Minister for Foreign Affairs, carefully studied the subject and succeeded in signing two treaties, one with England and another with Portugal, regulating the question of double nationality in relation to obligatory military service. In the Chamber of Deputies, however, these treaties were attacked by those who considered them opposed to the principle of *jus soli* when the case was such as to create another form of naturalization, a subject regulated by common law.

[1] Text from enclosure with Despatch No. 3120, March 11, 1929, from the American Ambassador to Brazil to the Secretary of State. Statement published in the *Jornal do Commercio*, Rio de Janeiro, March 2, 1929. (Apparently the *modus vivendi* has not been reduced to writing.)

Of all the countries of Europe, however, the most conservative regarding the maintenance of the principle of *jus sanguinis* has been Italy.

Lately there have been repeated cases of Brazilian-born children of Italians who bear passports issued by the Brazilian authorities who have been refused the visa of the Italian authorities because they were considered Italians by those authorities on account of the principle of *jus sanguinis*.

The question in these cases, as in others of dual nationality, could not be decided legally in view of the antagonistic systems: for Brazil, where the *jus soli* prevails, the Brazilian-born child of an Italian father is a Brazilian, by the law of *jus sanguinis* the son of an Italian assumes the father's nationality.

Being unable to harmonize the two systems, Italy without exception applied her home law to these cases.

In order to settle the question between Brazilian-born children of Italians and the consular authorities of the peninsula who considered them to be Italians it was necessary to devise a compromise which would put an end to the question.

As it was impossible to establish a general judicial rule, the Minister for Foreign Affairs, Dr. Octavio Mangaveira, negotiated a *modus vivendi* with the Italian Government which is very favorable to Brazil as it recognizes the Brazilian-born children of Italians as of Brazilian nationality.

Thus by the *modus vivendi* negotiated at Itamaraty the Italian authorities and the Italian consulates in Brazil will recognize hereafter for all purposes Brazilian passports issued in Brazil or by our consuls in Italy to persons born in Brazil of Italian parents. However, in order to remain in Italy they must request, as do all foreigners, a permit of sojourn.

Through a conventional form will thus be settled as they arise cases of conflict between the laws of nationality of Italy and Brazil. The agreement was a happy one and represents the maximum which has been conceded by Italy to the present day to any country in this particular.

ANALYTICAL INDEX

ANALYTICAL INDEX

PAGE

Abandonment of residence or domicile
Compulsory. *See* Compulsory departure from the country.
Expatriation by. *See* Expatriation, residence or domicile, by abandonment of.

Acknowledged or recognized child, nationality of. *See* Recognized or acknowledged child, nationality of.
See also Illegitimate or natural child, nationality of; Legitimated or legitimized child, nationality of.

Administrative provisions regarding nationality and naturalization. *See* Nationality and naturalization, administrative provisions, evidence and procedure regarding.
See also Naturalization, direct, upon application of person naturalized.

Adoption, effect of, on nationality
ALBANIA, Civil Code, effective April 1, 1929, Art. 5 5
AUSTRIA, Law No. 285, July 30, 1925, Par. 12 20
CHINA, Law of Feb. 5, 1929, Art. 2 (4) 175
ESTONIA, Law No. 87, Oct. 27, 1922, 2 (6) 232
JAPAN, Law No. 21, July 9, 1898, I, II 381
Law No. 66, March 1899, as amended, Arts. 2, 5 (4) 382
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 30 395
Art. 46 398
LATVIA, Law of Aug. 23, 1919, 7 ... 406
Law of June 2, 1927, VII 409
LITHUANIA, Provisional law of Jan. 9, 1919, I (f) 417
POLAND, Law of Jan. 20, 1920, Art. 6 480
RUMANIA, Law of Feb. 23, 1924, Art. 2 497
BIPARTITE CONVENTION
Latvia—Lithuania, Convention signed at Riga, May 14, 1921, 6 695

Afghanistan 3

Alaska
United States of America, Editors' Note 574

PAGE

Albania 5

Algeria 269

Aliens
Rights and duties of. *See also* Political rights, exercise of, provisions regarding; Property; Rights and duties of native or naturalized citizens.
ALBANIA, Civil Code, effective April 1, 1929, Art. 19 8
ARGENTINA, Constitution of 1860, Art. 20 10
AUSTRIA, Law No. 285, July 30, 1925, Paragraphs 3 (2), 4. 18
BELGIAN CONGO, Civil Code of 1892, Ch. I, 6 42
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 8 69
CANADA, Act of 1914, 20 82
Id. 21 83
NEWFOUNDLAND, Consolidated Statutes, Third Series (1916) Ch. 78, 17, 18 141
NEW ZEALAND, Act of 1928, 13 107
Id. Second Schedule, 17 .. 114
Id. 18 115
BULGARIA, Constitution of April 16–29, 1879, as amended, Art. 66 162
COLOMBIA, Constitution of 1886, Arts. 11, 12 180
Law of Nov. 26, 1888, Arts. 1–15 181
COSTA RICA, Law of May 13, 1889, Arts. 14, 17, 18 188
CUBA, Civil Code of 1888 to 1889, Art. 27 195
DENMARK, Law of March 25, 1871, 1, 2 214
FRANCE
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), Decree of Nov. 5, 1928, Art. 11 263
ALGERIA, Law of March 25, 1915, Arts. 12–16 273
FRENCH INDO-CHINA, Decree of May 26, 1913, Art. 6 277
GREECE, Law No. 391, Oct. 29, 1856, Art. 13 315
Art. 16 316
HAITI, Constitution of June 12, 1918, Arts. 4, 5 327

PAGE

Aliens—*Continued*
LIBERIA, Constitution of July 26, 1847, as amended, Sec. 12 410
LITHUANIA, Provisional law of Jan. 9, 1919, 4, 5 417
Law of March 29, 1920, Annotation to Par. 4 418
MEXICO, Law of May 28, 1886, Art. 25 433
Arts. 30–40 433–5
MONACO, Civil Code of Nov. 6, 1913, 11–16 437
NETHERLANDS, Law of Dec. 12, 1892, as amended, clause regarding the period of transition 445
NICARAGUA, Constitution of Nov. 10, 1911, Arts. 12–17 449
Decree of March 30, 1875 451
Law of Oct. 3, 1894, Art. 1 452
NORWAY, Law of Aug. 8, 1924, Sec. 14 456
PANAMA, Constitution of Feb. 13, 1904, Arts. 8, 9 459
Civil Code of July 1, 1917, Art. 40 467
Law of Aug. 22, 1916, effective July 1, 1917, Arts. 152–166 463
PARAGUAY, Constitution of Nov. 25, 1870, Arts. 33, 34 470
RUMANIA, Constitution of March 28, 1923, Arts. 7–9 495
RUSSIA, Decree No. 202, Oct. 29, 1924, 2 512
SALVADOR, Constitution of Aug. 13, 1886, Arts. 45, 47, 50 .. 517
SPAIN, Constitution of June 30, 1876, Art. 2 527
Law I of Title XI, Book VI, Don Philip IV, in Madrid in 1623 527
Decree of Nov. 17, 1852, Arts. 1, 3 530
Law of July 4, 1870, Art. 3 531
Arts. 5–14 532
Art. 16 533
Arts. 22–28 534
Arts. 33–55 535
Civil Laws of 1889, Art. 27 ... 539
Footnotes (C–2) 539
VENEZUELA, Civil Code of July 13, 1922, Art. XX 640
BIPARTITE AGREEMENT
The Danish-Icelandic Act of Union of Nov. 30, 1918, II, Sec. 6 688
Taxation or non-taxation of,
AFGHANISTAN, Code of Aug. 1921, Art. 97 4
ARGENTINA, Constitution of 1860, Art. 20 10

PAGE

COLOMBIA, Law No. 145, Nov. 1888, Art. 7 181
Art. 8 182
CUBA, Civil Code of 1888 to 1889, Art. 27, Sixth 195
CZECHOSLOVAKIA, Law No. 236, April 9, 1920, 8 203

"Ante-nati." *See* Naturalization, consent not required for.
See also Naturalization, direct, upon application of person naturalized.

Argentine Republic 9

Ascendents, nationality of, in Vatican City
Law of June 7, 1929, 2, 3 636
Id. 5, 6, 9 637

Associations, provision regarding. *See* Company, association or corporation, provisions regarding.

Australia 88

Austria 14

Baluchistan, British
Indian Act No. 7, Feb. 26, 1926, 1 (2) 131

Banat
Rumanian Law of Feb. 23, 1924, Art. 56 505

Banishment. *See* Compulsory departure from the country.
See also Deportation or expulsion, provisions regarding.

Belgian Congo 42

Belgium 27

Birth, acquisition of nationality at. *See also* Child; Dual nationality, provisions resulting in preventing or terminating.
AFGHANISTAN, Code of Aug. 1921, Ch. III, Art. 84 3
ALBANIA, Civil Code, effective April 1, 1929, Arts. 4, 6 5
Art. 10 6
ARGENTINA, Law No. 346, Oct. 8, 1869, Art. 1 (1) 10
AUSTRIA, Law No. 285, July 30, 1925, Par. 5 (1) 19
Par. 13 20
BELGIUM, Law of May 15, 1922, Art. 1 29
Law of Aug. 4, 1926, Arts. 6–8 39

PAGE

Birth—*Continued*
BELGIAN CONGO, Civil Code of 1892, Ch. I, 1 42
BOLIVIA, Constitution of Oct. 17, 1880, Arts. 31 and 32, 1 45
BRAZIL, Constitution of 1891, Art. 69, 1 to 3 48
Decree No. 904, Nov. 12, 1902, Art. 1, Par. 1 and 2 50
Regulations of May 14, 1908, Art. 1, Paragraphs 1–3 54
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 1 (1) 62
Id. 10 67
AUSTRALIA, Act of 1920 to 1925, 6 89
CANADA, Act of 1914, 3 (1) 76
Act of 1921, 2 (c) 86
NEWFOUNDLAND, Consolidated Statutes, Third Series (1916) Ch. 78, 1 137
Act of 1929, I (1), (2) 144
NEW ZEALAND, Act of 1928, Second Schedule (1), (2) 112
PALESTINE, Order of July 24, 1925, 3 152
UNION OF SOUTH AFRICA, Act of 1926, 1 (1) 116
Id. 29 126
Act No. 40, of Nov. 11, 1927, 1 (a), (d) 127
BULGARIA, Constitution of April 16 to 29, 1879, as amended, Art. 54 161
Law of Dec. 31, 1903, as amended, Art. 5 162
CHILE, Constitution of Sept. 18, 1925, Art. 5 170
CHINA, Law of Feb. 5, 1929, Art. 1 175
COLOMBIA, Constitution of 1886, Art. 8 (1), (2) 179
Law No. 145, Nov. 26, 1888, Art. 1 181
COSTA RICA, Constitution of Dec. 7, 1871, Arts. 4, 5 184
Law of May 13, 1889, Art. 1 185
CUBA, Constitution of Feb. 21, 1901, Arts. 4, 5 191
Civil Code of 1888–1889, Art. 17 .. 193
CZECHOSLOVAKIA, Law No. 236, April 9, 1920, 2 201
DANZIG, Law of May 30, 1922, 1 209
DENMARK, Law of April 18, 1925, Secs. I, II 214
DOMINICAN REPUBLIC, Constitution of June 20, 1929, Arts. 8, (2), (3) 217
ECUADOR, Constitution of March 26, 1929, Arts. 7, 8 221
EGYPT, Decree Law No. 19, Feb. 27, 1929, Art. 6 226
ESTONIA, Law No. 87, Oct. 27, 1922, 2 231

PAGE

FINLAND, Constitution of July 17, 1919, Art. 4 237
Law of Feb. 20, 1920, 2 238
Law of June 17, 1927, 2 239
FRANCE, Law of Aug. 10, 1927, Arts. I, (1) to (3), and II 245
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), Decree of Nov. 5, 1928, Art. 2 258
Art. 3 259
Art 5 260
ALGERIA, Senatus-Consultum of July 14, 1865, Art. 1 269
Decree of Oct. 24, 1870, re Israelites 270
FRENCH INDO-CHINA, Circular of June 8, 1914 277
Decree of Nov. 4, 1928, Arts. 1, 2 279
GREATER LEBANON, Order No. 15/S of Jan. 19, 1925, Art. 1 .. 298
MADAGASCAR, Decree of March 3, 1909, Art. 1 281
MOROCCO, Dahir of Nov. 8, 1921 . 291
Decree of Nov. 8, 1921, Art. 1 .. 291
SYRIA, Order No. 16/S of Jan. 19, 1925, Art. 1 301
TUNIS, Decree of June 19, 1914, Sole Art. (2) 293
Decree of Nov. 8, 1921, Art. 1 .. 293
Law of Dec. 20, 1923, Art. 1 293
GERMANY, Law of July 22, 1913, Secs. 3 (1), 4 306
GREECE, Law No. 391, Oct. 29, 1856, Art. 14 315
Law of Sept. 13, 1926, as confirmed, Art. 5 319
HAITI, Law of Aug. 22, 1907, Art. 2 327
Art. 4 328
HEJAZ, Law of Sept. 24, 1926, 2, 3, 9 331
HONDURAS, Constitution of Sept. 10, 1924, Art. 7 332
Law No. 31, Feb. 4, 1926, Art. 1 .. 334
HUNGARY, Law of Dec. 20, 1879, Arts. 2, 3 337
Art. 19 338
ICELAND, Law of Oct. 6, 1919, Arts. 1, 2 344
Law of June 15, 1926, Arts. 1, 2 346
IRAQ, Law of Oct. 9, 1924, Arts. 8, 9 349
Notification of 1927 359
Law of 1928, Art. 2 360
ITALY, Law of June 13, 1912, Arts. 1, 3 363
Art. 7 364
Law No. 1013, June 26, 1927 (Libyan), Art. 29 379
Decree No. 2067, Oct. 27, 1927, Art. 2 380

PAGE

Birth—*Continued*
JAPAN, Law No. 66, March 1899, as revised, Art. 1 382
JUGOSLAVIA, Law of Sept. 21, 1928, Arts. 6, 7 390
Art. 42 397
LIBERIA, Law of Feb. 8, 1922, Secs. 66, 67 413
LUXEMBURG, Civil Code of 1807, 9, 10 420
Law of Nov. 12, 1848, Transitory Article 422
Law of Dec. 12, 1859, 1 423
Law of Jan. 27, 1878, 2 423
Law of Feb. 5, 1890, Sole Art. 424
Law of March 14, 1905, Sole Art. 424
MEXICO, Constitution of 1917, Art. 30 426
Law of May 28, 1886, Art. 1, (1) to (4) 427
Art. 2 (2) 429
MONACO, Civil Code of Nov. 6, 1913, 8 436
NETHERLANDS, Law of Dec. 12, 1892, as amended, Arts. 1, 2. 441
Clause regarding the period of transition 445
Final stipulations 446
Law of Feb. 10, 1910, as amended, Art. 1 446
NICARAGUA, Constitution of Nov. 10, 1911, Art. 8 448
Law of Oct. 3, 1894, Art. 3 452
NORWAY, Law of August 8, 1924, Sec. 1 453
Sec. 2 454
Sec. 11 456
PANAMA, Constitution of Feb. 13, 1904, Art. 6 458
Civil Code of July 1, 1917, Art. 39 467
Law of Aug. 22, 1916, effective July 1, 1917, Art. 122 459
Act of Oct. 19, 1928 468
PARAGUAY, Constitution of Nov. 25, 1870, Art. 35 471
PERSIA, Law of Sept. 7, 1929, Arts. I, 2 to 5, and III. 473
PERU, Constitution of Dec. 27, 1919, Art. 59 477
POLAND, Constitution of March 17, 1921, Art. 88 (1) 479
Law of Jan. 20, 1920, Arts. 2 (2), and 5 480
PORTUGAL, Civil Code of 1867, Art. 18 490
RUMANIA, Law of Feb. 23, 1924, Arts. 1 (1), 2, 3 497
RUSSIA, Decree No. 202, Oct. 29, 1924, 4 512
SALVADOR, Constitution of Aug. 13, 1886, Art. 42 516
SIAM, Law of April 10, 1913, 3 524

PAGE

SPAIN, Constitution of June 30, 1876, Art. 1 (1), (2) 526
Decree of Nov. 17, 1852, Art. 1 ... 530
Law of July 4, 1870, Art. 1 531
Civil Laws of 1889, Art. 17 537
Footnotes (a-4) 539
SWEDEN, Law No. 130, May 23, 1924, Art. 1 545
Art. 2 546
SWITZERLAND, Constitution of May 29, 1874, as amended, Art. 44 556
Decree of June 25, 1903, Art. 6 ... 558
TURKEY, Constitution of May 24, 1924, Art. 88 568
Law of Jan. 19, 1869, Art. 1 568
Law of May 28, 1928, Arts. 1, 4 ... 570
Law of April 6, 1929, Art. 4 572
UNITED STATES, Constitution of 1789, Art. 14 of the Amendments, Sec. 1 576
Law of April 14, 1802 576
Law of Feb. 10, 1855, Revised Statutes 1878 (§1993) 577
Law of April 9, 1866 577
Constitution of the Republic of Hawaii of July 4, 1894, Sec. 1 579
Law of June 2, 1924 609
PHILIPPINE ISLANDS, Law of July 1, 1902, Sec. 4 617
Law of Aug. 29, 1916, Sec. 2 .. 617
Act of Nov. 30, 1928, Sec. 1 622
VIRGIN ISLANDS, Law of Feb. 25, 1927, Sec. 3 626
URUGUAY, Constitution of Jan. 3, 1918, Art. 7 627
VENEZUELA, Constitution of May 29, 1929, Art. 28 640
MULTIPARTITE TREATIES AND OTHER AGREEMENTS
Treaty signed at Versailles, June 28, 1919. Poland and the Principal Allied and Associated Powers, Art. 6 646
Treaty signed at St. Germain-en-Laye, Sept. 10, 1919. Allied and Associated Powers and Austria, Art. 65 647
Treaty signed at St. Germain-en-Laye, Sept. 10, 1919. Principal Allied and Associated Powers and the Serb-Croat-Slovene State, Art. 6 648
Treaty signed at St. Germain-en-Laye, Sept. 10, 1919. Principal Allied and Associated Powers and Czechoslovakia, Art. 6 648
Treaty signed at Neuilly-sur-Seine, Nov. 27, 1919. Allied and Associated Powers and Bulgaria, Art. 52 649

PAGE

Birth—*Continued*
Treaty signed at Paris, Dec. 9, 1919. Principal Allied and Associated Powers and Rumania, Art. 6 649
Treaty signed at Trianon, June 4, 1920, Allied and Associated Powers and Hungary, Art. 57 649
Annex to Treaty signed at Habana, Feb. 20, 1928, Art. 9 652
BIPARTITE TREATIES AND OTHER AGREEMENTS
Costa Rica—Italy, Convention signed at Rome, May 6, 1873 674
Germany—Guatemala, Treaty signed at Guatemala, Sept. 20, 1887, Art. X 676
Italy—Mexico, Convention signed at Mexico, Aug. 20, 1888, Arts. I–III 677
Germany—Nicaragua, Treaty signed at Managua, Feb. 4, 1896. Art. X 679
Great Britain—Haiti, Convention signed at Port-au-Prince, April 6, 1906, Art. I 682
Art. II 683
Italy—Nicaragua, Convention signed at Managua, Sept. 20, 1917, Arts. II, III 686
Austria—Czechoslovakia, Treaty signed at Brunn, June 7, 1920, V 692
France—Great Britain, Exchange of Notes, May 24, 1923 696
Albania—Greece, Convention signed at Athens, Oct. 13, 1926, Art. I 701
Arts. III, V 702
Brazil—Italy, *Modus vivendi* negotiated at Itamaraty 709

Bolivia 45

Brazil 47

British India. *See* India.

Brothers, nationality of, in Vatican City
Law of June 7, 1929, 2, 3 636
Id. 5, 6, 9 637

Bukowina
Rumanian law of Feb. 23, 1924, Art. 56 505

Bulgaria 161

Caliacra
Rumanian law of Feb. 23, 1924, Art. 66 507

Canada 73

PAGE

Canal Zone
United States of America, Editors' Note 574

Character
Denial of naturalization because of. *See* Denial of naturalization because of bad character, disloyalty, fraud, misrepresentation or other causes.
Forfeiture or suspension of nationality because of. *See* Forfeiture or suspension of nationality because of bad character, disloyalty, fraud, misrepresentation or other causes.

Child
Acknowledged or recognized, nationality of. *See* Recognized or acknowledged child, nationality of.
Adopted, nationality of. *See* Adoption, effect of, on nationality.
Birth, acquisition of nationality at. *See* Birth, acquisition of nationality at.
Born of unknown parents, or of parents of unknown nationality, nationality of. *See* Unknown parents, child born of, or of parents of unknown nationality.
Diplomatic officers, nationality of. *See* Diplomatic officer, nationality of child of.
Expatriation of a minor, through naturalization abroad of, or loss of nationality by, a parent, or marriage of mother to an alien. *See* Expatriation, minor, through naturalization abroad of, or loss of nationality by, a parent, or marriage of mother to an alien.
Foundlings, nationality of. *See* Foundlings, nationality of.
Illegitimate, nationality of. *See* Illegitimate or natural child, nationality of.
Legitimated or legitimized, nationality of. *See* Legitimated or legitimized child, nationality of.
Loss of nationality by parent, effect of, on the nationality of child, not involving expatriation. *See also* Expatriation, minor, through naturalization abroad of, or loss of nationality by, a parent, or marriage of mother to an alien.
GREECE, Law No. 391, Oct. 29, 1856, Art. 24 317

PAGE

Child—*Continued*
HAITI, Law of Aug. 22, 1907, Art. 15 329
ITALY, Law of June 13, 1912, Art. 12 366
Law No. 108, Jan. 31, 1926, Sole Art. 374
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 34 396
PORTUGAL, Civil Code of 1867, Art. 22 (4), Sec. 2 492
RUMANIA, Law of Feb. 23, 1924, Art. 42 503
RUSSIA, Decree No. 202, Oct. 29, 1924, 6 512
TURKEY, Law of Jan. 19, 1869, Art. 8 569
Natural, nationality of. *See* Illegitimate or natural child, nationality of.
Naturalization of, through acquisition of nationality by a parent. *See* Naturalization, major child, through acquisition of nationality by a parent; Naturalization, minor, through acquisition of nationality by a parent.
Naturalization of parent, effect of, on nationality of. *See also* Naturalization, major child, through acquisition of nationality by a parent; Naturalization, minor, through acquisition of nationality by a parent.
BULGARIA, Law of Dec. 31, 1903, as amended, Art. 11 164
Arts. 18, 22–24 166
DOMINICAN REPUBLIC, Law No. 1227, Dec. 4, 1929, Art. 2, Par. 2 219
FRANCE
MOROCCO, Decree of April 29, 1920, Arts. 2, 4 288
HAITI, Law of Aug. 22, 1907, Arts. 12, 13 329
IRAQ, Law of Oct. 9, 1924, as amended, Art. 19 351
Law of Feb. 25, 1925, Art. 5 .. 352
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 40 397
Arts. 44, 45 398
LUXEMBURG, Constitution of Oct. 17, 1868, Art. 10 419
PERSIA, Law of Sept. 7, 1929, Art. IX 474
RUSSIA, Decree No. 202, Oct. 29, 1924, 6 512
TURKEY, Law of Jan. 19, 1869, Art. 8 569
Law of May 28, 1928, Art. 13 .. 571
Officials, nationality of. *See* Official, nationality of child of. *See also* Diplomatic officer, nationality of child of.
Posthumous, nationality of. *See* Posthumous child, nationality of.
Recognized or acknowledged, nationality of. *See* Recognized or acknowledged child, nationality of.
Recovery by, of nationality lost during minority. *See* Recovery of nationality, minority, lost during.

Chile 170

China 174

Citizenship. *See* Nationality.*
See also Aliens, rights and duties of; Political rights, exercise of, provisions regarding; Rights and duties of native or naturalized citizens.
Local. *See* Local citizenship, provisions regarding.
Rights of, as distinguished from nationality.
BOLIVIA, Constitution of Oct. 17, 1880, Arts. 33–36 45
COLOMBIA, Constitution of 1886, Arts. 15, 16 180
Art. 18 181
COSTA RICA, Constitution of Dec. 7, 1871, Arts. 9–11 185
DOMINICAN REPUBLIC, Constitution of June 20, 1929, Arts. 9–11 218
ECUADOR, Constitution of March 26, 1929, Arts. 13–16 222
HONDURAS, Constitution of Sept. 10, 1924, Arts. 20–25 333
NICARAGUA, Constitution of Nov. 10, 1911, Arts. 18–22 449
PANAMA, Constitution of Feb. 13, 1904, Arts. 12–14 459
Law of Aug. 22, 1916, effective July 1, 1917, Art. 123 460
Arts. 142–151 462
PERU, Constitution of Dec. 27, 1919, Art. 62 477
Art. 63 478
SALVADOR, Constitution of Aug. 13, 1886, Arts. 51–53 517
URUGUAY, Constitution of Jan. 3, 1918, Art. 12 627

Colombia 179

Colonies, dominions, possessions and other territories, nationality in. *See also* Aliens, rights and duties

* In the United States and some other countries "citizen" is used as a synonym for "national".

PAGE

Colonies—*Continued*
of; Citizenship, rights of, as distinguished from nationality; Rights and duties of native or naturalized citizens.
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 8, 9 67
Id. 19 (2) 70
Id. 26 71
Id. First Schedule 72
AUSTRALIA, Act of 1920 to 1925, 11 92
Id. 12 (7) 94
Id. 15, 16 95
Id. The First Schedule, 7 (5) 101
Id. The First Schedule, 8 ... 102
Id. The First Schedule, 9 ... 103
BRITISH INDIA, Act No. 7 of Feb. 26, 1926, 8 (3) 134
CANADA, Act of 1914, 9 (6) 80
Id. 11, 12 81
NEWFOUNDLAND, Consolidated Statutes, Third Series (1916), Ch. 78, 8, 9 139
Act of 1929, IV, 7 (5). 146
NEW ZEALAND, Act of 1928, 3, 6 105
Id. First Schedule, 7 (5) 110
Id. First Schedule, 8, 9 111
UNION OF SOUTH AFRICA, Act of 1926, 7 (6) 121
Id. 9 122
Id. 10 122
SOUTHWEST AFRICA, MANDATED TERRITORY OF, Act No. 30 of 1924, 1 158
FRANCE, Law of Aug. 10, 1927, Art. XV 251
GERMANY, Law of July 22, 1913, Sec. 2 306
HUNGARY, Law of Dec. 20, 1879, Art. 1 337
ITALY, Law of June 13, 1912, Art. 15 366
Decree No. 949 of August 2, 1912, Art. XI 369
Decree No. 1245, June 7, 1923, Art. 1 371
Art. 2 372
Law No. 1854, Oct. 15, 1925, Arts. 1, 2 373
Law No. 1378, March 13, 1927, Arts. 1, 2 375
Law of May 12, 1927, Art. 1 375
Art. 2 376
Decree No. 2067, Oct. 27, 1927, Arts. 1, 2 380
NETHERLANDS, Law of Dec. 12, 1892, as amended, Clause regarding the period of transition 445
Law of February 10, 1910, as amended by the Act of June 10, 1927, Art. 3 447
POLAND, Order of June 7, 1920, Art. 1 482
UNITED STATES, Law of June 29, 1906, as amended, Sec. 30... 600
Law of March 2, 1929, Sec. 9..... 613

Company, association or corporation, provisions regarding
COLOMBIA, Constitution of 1886, Art. 14 180
CUBA, Civil Code of 1888 to 1889, Art. 28 195
GREECE, Law No. 391, Oct. 29, 1856, Art. 12 315
HONDURAS, Law No. 31, Feb. 4, 1926, Arts. 3, 4 334
ITALY, Law of May 12, 1927, Art. 15 378
MEXICO, Law of May 28, 1886, Art. 5 430
MONACO, Civil Code of Nov. 6, 1913, 15 438
PANAMA, Civil Code of July 1, 1917, Art. 38 467
SALVADOR, Law of April 3, 1900, Art. 5 519
SPAIN, Constitution of June 30, 1876, Art. 2 527
Civil Laws of 1889, Art. 28 539
MULTIPARTITE TREATY
Annex to Treaty signed at Habana, Feb. 20, 1928, Arts. 16–22 654

Compulsory departure from the country
CZECHOSLOVAKIA, Law No. 236 of April 9, 1920, 8 203
EGYPT, Decree Law No. 19, Feb. 27, 1929, Arts. 2, 3 226
FINLAND, Law of June 17, 1927, 4 240
FRANCE
GREATER LEBANON, Ordinances Nos. 2825/2825 bis, Art. 4. 300
MOROCCO, Madrid Convention of 1880, Art. XV 288
SYRIA, Ordinances Nos. 2825/2825 bis, Art. 4 303
IRAQ, Law of Oct. 9, 1924, Arts. 4, 6 349
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 55 400
Law of Sept. 6, 1929, Art. 45 403
RUMANIA, Law of Feb. 23, 1924, Art. 60 506
TURKEY, Law of May 28, 1928, Art. 8 570
Art. 13 571
BIPARTITE CONVENTION
Albania—Greece. Convention signed at Athens, October 13, 1926, Arts. II, IV 702

PAGE

Compulsory naturalization. *See* Naturalization, consent not required for.

Consent
Expatriation. Conditional on, or performance of national service. *See* Expatriation, conditional on consent of government or performance of national service.
Naturalization, not required for. *See* Naturalization, consent not required for.

Cook Islands
New Zealand Act of 1928, 7..... 105

Corporations, provisions regarding. *See* Company, association or corporation, provisions regarding.

Costa Rica..... 184

Crisana
Rumanian law of Feb. 23, 1924, Art. 56..... 505

Cuba..... 191

Curaçao
Netherland law of Feb. 10, 1910, as amended, Art. 1..... 446
Art. 2..... 447

Czechoslovak Republic..... 200

Danzig, Free City of..... 209

Date when nationality laws and treaties come into force, express provisions
AUSTRIA, Law No. 285, July 30, 1925, Par. 25 (1)..... 22
BELGIAN CONGO, Order of March 1901, 6..... 44
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 28..... 71
AUSTRALIA, Act of 1920 to 1925, 4 88
BRITISH INDIA, Act No. 7, Feb. 26, 1926, 1 (3)..... 131
NEW ZEALAND, Act of 1928, 1.... 104
PALESTINE, Order of July 24, 1925, 26..... 157
CHINA, Law of Feb. 5, 1929, Art. 20 178
CUBA, Law No. 859, Aug. 26, 1908, Art. 13..... 199
CZECHOSLOVAKIA, Law No. 236, April 9, 1920, 20..... 205
Law No. 152, July 1, 1926, Sec. 8 208
EGYPT, Decree Law No. 19, Feb. 27, 1929, Art. 27..... 230
FINLAND, Law of June 17, 1927, 7... 240
GERMANY, Law of July 22, 1913, Sec. 41..... 313

PAGE

GREECE, Law of Sept. 10, 1925, Art. 4..... 319
Decree Law of Oct. 15, 1927, Art. 2..... 320
GUATEMALA, Decree No. 867, July 11, 1924..... 324
HONDURAS, Law No. 31, Feb. 4, 1926, Art. 51..... 336
ICELAND, Law of Oct. 6, 1919, Art. 13..... 346
IRAQ, Law of Oct. 9, 1924, Art. 21... 351
Law of Feb. 25, 1925, Art. 7..... 352
Regulations of Oct. 1, 1926, 25... 358
Ordinance of Oct. 28, 1926, Art. 1 (B)..... 358
Regulation of July 3, 1927, Art. 3 359
ITALY, Law of Sept. 10, 1922, Art. V. 371
Decree No. 1781, Oct. 16, 1924, Art. 2..... 372
Law of May 12, 1927, Art. 16.... 378
Decree No. 2067, Oct. 27, 1927, Art. 3..... 380
JAPAN, Regulations of Nov. 17, 1924, Supplementary Provisions..... 388
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 64..... 402
LIBERIA, Law of Jan. 6, 1908, Sec. 9..... 413
NETHERLANDS, Law of Dec. 12, 1892, as amended, Final Stipulations..... 446
NORWAY, Law of Aug. 8, 1924, Sec. 16..... 457
PERSIA, Law of Sept. 7, 1929, Art. XVI..... 476
POLAND, Law of Jan. 20, 1920, Art. 14..... 482
Order of June 7, 1920, Art. 18.... 487
Regulations of July 13, 1920, Art. 14..... 489
SIAM, Law of April 10, 1913, 2..... 524
SWEDEN, Law No. 130, May 23, 1924, Art. 15..... 550
Decree No. 525, Dec. 19, 1924, providing regulations for citizenship, Art. 7..... 551
Decree of Dec. 19, 1924, providing certain regulations regarding the law of May 23, 1924, Art. 1 552
SWITZERLAND, Decree of June 25, 1903, Art. 16..... 560
Law of June 26, 1920, Art. 3..... 561
TURKEY, Law No. 1041, May 23, 1927, Art. 2..... 569
Law of May 28, 1928, Art. 16.... 570
UNITED STATES, Law of June 29, 1906, as amended, Sec. 31... 600
Law of March 2, 1929, Sec. 12... 615
Law of March 4, 1929, Sec. 2.... 616
PHILIPPINE ISLANDS, Act of March 26, 1920, Sec. 18.... 622
Act of Nov. 30, 1928, Sec. 2..... 622

PAGE

Date when nationality laws and treaties come into force—*Continued*

MULTIPARTITE TREATIES AND OTHER AGREEMENTS

Convention signed at Rio de Janeiro, Aug. 13, 1906, Art. III 645

Treaty signed at Habana, Feb. 20, 1928, Art. 4 652

BIPARTITE TREATIES AND OTHER AGREEMENTS

The Danish-Icelandic Act of Union of Nov. 30, 1918, Sec. 20 690

France—Monaco, Declaration signed at Paris, Oct. 7, 1919, (Par. 6) 691

Death of husband, effect of, on nationality of wife. *See also* Marriage, effect of dissolution, on nationality of wife; Recovery of nationality, marriage of a woman national to an alien or naturalization of her husband abroad, lost through.

BRITISH EMPIRE

GREAT BRITAIN, Act of 1914, as amended, 11 68

AUSTRALIA, Act of 1920 to 1925, 19 95

CANADA, Act of 1914, 14 81

NEWFOUNDLAND, Consolidated Statutes, Third Series (1916) Ch. 78, 11 140

NEW ZEALAND, Act of 1928, Second Schedule, 11 113

PALESTINE, Order of July 24, 1925, 13 155

UNION OF SOUTH AFRICA, Act of 1926, 13 122

Act No. 40 of Nov. 11, 1927, 3. 128

BULGARIA, Law of Dec. 31, 1903, as amended, Art. 16 165

COSTA RICA, Law of May 13, 1889, Arts. 3 (3), 4 (5) 186

ECUADOR, Constitution of March 26, 1929, Art. 9, 4 222

HUNGARY, Law of Dec. 20, 1879, Art. 35 341

ITALY, Law of June 13, 1912, Art. 10 367

Law of May 12, 1927, Art. 10 ... 378

JAPAN, Law No. 66 of March, 1899, as revised, Art. 19 384

Art. 24 385

LIBERIA, Law of Feb. 8, 1922, Sec. 70 414

LITHUANIA, Law of Jan. 9, 1919, 1 (e) 417

MEXICO, Law of May 28, 1886, Art. 1 (6) 428

Art. 2 (4) 429

PAGE

NETHERLANDS, Law of Dec. 12, 1892, as amended, Art. 5 442

Arts. 8, 9 444

NICARAGUA, Law of Oct. 3, 1894, Art. 2 452

PERSIA, Law of Sept. 7, 1929, Art. XI 475

PERU, Civil Code of 1852, Art. 41.. 478

RUMANIA, Law of Feb. 23, 1924, Art. 40 502

UNITED STATES, Law of Sept. 22, 1922, Sec. 3 608

Decorations of a foreign country, expatriation by accepting. *See* Expatriation, military, or other public service, by entering the, or accepting titles or decorations of a foreign country.

Definitions

BRITISH EMPIRE

GREAT BRITAIN, Act of 1914, as amended, 27 (1) 71

AUSTRALIA, Act of 1920 to 1925, 5 (1) 88

BRITISH INDIA, Act No. 7, Feb. 26, 1926, 2 131

CANADA, Act of 1910, 2 73

Act of 1914, 2 75

Act of 1921, 2 86

NEWFOUNDLAND, Consolidated Statutes, Third Series (1916) Ch. 78, 26 143

Act of 1929, VI 147

NEW ZEALAND, Act of 1928, 2 ... 104

Id. Second Schedule, 27 ... 115

PALESTINE, Order of July 24, 1925, 20 156

Id. 21 157

UNION OF SOUTH AFRICA, Act of 1926, 30 126

FRANCE

SYRIA, Order No. 16/S of Jan. 19, 1925, Art. 1 301

GERMANY, Law of July 22, 1913, Sec. 1 306

IRAQ, Law of Oct. 9, 1924, Art. 2 .. 348

POLAND, Regulations of July 13, 1920, Art. 3 487

SALVADOR, Law of April 3, 1900, Art. 2 (1) 518

UNITED STATES, Law of May 26, 1926, Sec. 1 610

Law of March 2, 1929, Sec. 9.... 613

VENEZUELA, Civil Code of 1922, Arts. XVIII, XIX 640

BIPARTITE TREATIES AND OTHER AGREEMENTS

Austria—Czechoslovakia, Treaty signed at Brunn, June 7, 1920, Preamble 692

PAGE

Definitions—*Continued*
Czechoslovakia—United States, Treaty signed at Prague, July 16, 1928, Art. I..... 705

Denial of naturalization because of bad character, disloyalty, fraud, misrepresentation or other causes. *See also* Forfeiture or suspension of nationality because of bad character, disloyalty, fraud, misrepresentation or other causes; Naturalization direct, upon application of person naturalized.
BELGIUM, Law of Aug. 4, 1926, Art. I..... 38
BRAZIL, Decree No. 904, Nov. 12, 1902, Art. 13..... 52
Regulations re Decree of May 14, 1908, Art. 9..... 56
CHILE, Decree Law No. 747, Dec. 15, 1925, Art. 3..... 172
COSTA RICA, Law of May 13, 1889, Art. 9..... 187
CZECHOSLOVAKIA, Law No. 152, July 1, 1926, Sec. 1 (3)..... 206
DOMINICAN REPUBLIC, Law No. 1227, Dec. 4, 1929, Art. 5, Par. 3..... 219
FRANCE, Law of Aug. 10, 1927, Art. III..... 246
Art. XIV (a)..... 251
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), Decree of Nov. 5, 1928, Art. 4..... 259
Art. 5..... 260
Art. 7..... 261
Art. 11..... 263
Art. 26..... 268
GUATEMALA, Law of Feb. 21, 1894, Art. 92..... 324
HONDURAS, Law No. 31, Feb. 4, 1926, Arts. 14, 15..... 336
LATVIA, Law of Oct. 7, 1921, I–I..... 406
Law of June 2, 1927, I..... 407
Id. IV..... 408
MEXICO, Law of May 28, 1886, Arts. 21, 22..... 432
PANAMA, Law of Aug. 22, 1916, effective July 1, 1917, Art. 167..... 465
Law 24 of Nov. 9, 1926, Art. I..... 468
POLAND, Law of Jan. 20, 1920, Art. 9..... 481
SALVADOR, Law of April 3, 1900, Arts. 13, 14..... 520
UNITED STATES, Law of April 14, 1802..... 576
Law of March 3, 1865..... 577
Law of May 6, 1882..... 579

PAGE

Law of June 29, 1906, as amended, Sec. 4, Eleventh (Conditional)..... 587
Id. Sec. 7..... 590
Law of Aug. 22, 1912..... 604
Law of July 9, 1918..... 607
PHILIPPINE ISLANDS, Law of March 26, 1920, Sec. 2..... 618

Denization, letters of
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 25..... 71
CANADA, Act of 1914, 34..... 85
NEWFOUNDLAND, Consolidated Statutes, Third Series (1916), Ch. 78, 25..... 143
NEW ZEALAND, Act of 1928, Second Schedule, 25..... 115

Denmark..... 213

Deportation or expulsion, provisions regarding. *See also* Compulsory departure from the country.
BRITISH EMPIRE
CANADA, Act of 1910, 2 (c)..... 73
COLOMBIA, Law 145, Nov. 26, 1888, Art. 13..... 182
EGYPT, Decree Law No. 19, Feb. 27, 1929, Arts. 2, 3..... 226
NICARAGUA, Constitution of Nov. 10, 1911, Art. 17..... 449
NORWAY, Law of Aug. 8, 1924, Sec. 18..... 457
SWITZERLAND, Constitution of May 29, 1874, as amended, Art. 44 556
TURKEY, Law of May 28, 1928, Art. 8..... 570
Art. 12..... 571
BIPARTITE TREATY
Germany—Netherlands, Treaty signed at The Hague, Dec. 17, 1904, III..... 682

Desertion, forfeiture of citizenship because of. *See* Forfeiture or suspension of nationality because of bad character, disloyalty, fraud, misrepresentation or other causes.

Diplomatic officer, nationality of child of. *See also* Official, nationality of child of.
ARGENTINA, Law No. 346, Oct. 8, 1869, Art. 1, Par. 1 and 3..... 10
BRAZIL, Constitution of 1891, Art. 69 (1), (3)..... 48
Decree No. 904, Nov. 12, 1902, Art. 1, Par. 1 and 3..... 50
Regulations re Decree of May 14, 1908, Art. 1, Par. 1 and 3..... 54
CHILE, Constitution of Sept. 18, 1925, Art. 5 (1), (2)..... 170

PAGE

Diplomatic officer—*Continued*
DOMINICAN REPUBLIC, Constitution of June 20, 1929, Art. 8, 2 217
FRANCE, Law of Aug. 10, 1927, Art. II 245
Art. IV (a) 247
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), Decree of Nov. 5, 1928, Arts. 2, 7 258
Art. 3 259
Art. 5 260
GREECE, Law No. 391, Oct. 29, 1856, Art. 14 (e) 315
GUATEMALA, Constitution of 1879, as revised, Art. 5 (1) 321
Law of Feb. 21, 1894, Art. 1 322
LIBERIA, Law of Feb. 8, 1922, Sec. 66 413
MEXICO, Law of May 28, 1886, Art. 4 430
NICARAGUA, Law of Oct. 3, 1894, Art. 30 452
PARAGUAY, Constitution of Nov. 25, 1870, Art. 35 (3) 471
PERSIA, Law of Sept. 7, 1929, Art. I, Note 473
PORTUGAL, Civil Code of 1867, Art. 18 (2) 490
SALVADOR, Law of April 3, 1900, Art. 4 519
TURKEY, Law of May 28, 1928, Art. 4 570
BIPARTITE TREATY
Belgium—France, Convention signed at Paris, Sept. 12, 1928, Art. IX 708

Disloyalty
Denial of naturalization because of. *See* Denial of naturalization because of bad character, disloyalty, fraud, misrepresentation or other causes.
Forfeiture of nationality because of. *See* Forfeiture or suspension of nationality because of bad character, disloyalty, fraud, misrepresentation or other causes.

Dispute or doubt regarding nationality, settlement of. *See also* Law, particular, governing nationality.
AFGHANISTAN, Code of Aug. 1921, Ch. III, Art. 98 4
AUSTRIA, Law No. 285, July 30, 1925, Par. 16 20
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 4 64
AUSTRALIA, Act of 1920 to 1925, 9 91
Id. The First Schedule, 4.. 100

PAGE

CANADA, Act of 1914, 6 78
NEWFOUNDLAND, Consolidated Statutes, Third Series (1916) Ch. 78, 4 138
NEW ZEALAND, Act of 1928, First Schedule, 4 109
UNION OF SOUTH AFRICA, Act of 1926, 4 (1), (a) 118
FRANCE
GREATER LEBANON, Order No. 15/S, Jan. 19, 1925, Art. 9.. 299
SYRIA, Order No. 16/S, Jan. 19, 1925, Art. 9 302
GREECE, Law of Sept. 13, 1926, Confirmed by decree of Aug. 12, 1927, Art. 4 319
ICELAND, Law of Oct. 6, 1919, Art. 12 346
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 48 398
PARAGUAY, Constitution of Nov. 25, 1870, Art. 37 471
SWEDEN, Decree of Dec. 19, 1924, regarding Decree No. 476, of Dec. 3, 1915, Art. 44 553
MULTIPARTITE CONVENTION
Convention signed at Rome, April 6, 1922, Art. 4 650
BIPARTITE TREATIES AND OTHER AGREEMENTS
Great Britain—Haiti, Convention signed at Port-au-Prince, April 6, 1906, Art. VII 683
The Danish—Icelandic Act of Union of Nov. 30, 1918, V, Sec. 17 689
Austria—Czechoslovakia, Treaty signed at Brunn, June 7, 1920, XXX 693

Dissolution of marriage, effect of, on nationality of wife. *See* Marriage, effect of dissolution, on nationality of wife.

Divorce, effect of, on nationality of wife. *See* Death of husband, effect of, on nationality of wife; Recovery of nationality, marriage of a woman national to an alien or naturalization of her husband abroad, lost through.

Divorced persons
Election of nationality by. *See* Election of nationality, married women, divorcees or widows, by.
Nationality of. *See* Election of nationality by married women, divorcees or widows; Recovery of nationality, marriage of a woman national to an alien or naturalization of her husband abroad, lost through.

PAGE

Domicile or residence
Acquisition or loss of,
BRITISH EMPIRE
CANADA, Act of 1910, 2 (e).... 73
COLOMBIA, Law 145, Nov. 26, 1888, Arts. 2, 3, 6..... 181
JUGOSLAVIA, Law of Sept. 21, 1928, Arts. 3, 4..... 390
Art. 41..... 397
Arts. 60, 61..... 402
MEXICO, Law of May 28, 1886, Art. 33..... 434
NETHERLANDS, Law of Dec. 12, 1892, Arts. 13–16..... 445
PANAMA, Law of Aug. 22, 1916, effective July 1, 1917, Arts. 154–156..... 463
POLAND, Law of Jan. 20, 1920, Art. 2 (1)..... 480
SPAIN, Decree of Nov. 17, 1852, Arts. 4, 5..... 530
Law of July 4, 1870, Art. 3..... 531
Art. 4..... 532
Arts. 15, 17–19..... 533
MULTIPARTITE CONVENTION
Annex to Convention signed at Habana, Feb. 20, 1928, Arts. 22–26..... 655
BIPARTITE TREATIES AND OTHER AGREEMENTS
Czechoslovakia—Germany, Treaty signed at Prague, June 29, 1920, Art. 1..... 693
Bulgaria—Turkey, Protocol signed at Angora, Oct. 18, 1925..... 700
Birth, effect of domicile or residence on acquisition of nationality at. *See* Birth, acquisition of nationality at.
Election of nationality, effect of, domicile or residence with reference to. *See* Election of nationality.
Expatriation, by abandonment of. *See* Expatriation, residence or domicile, by abandonment of.
Expatriation by, abroad. *See* Expatriation, residence or domicile abroad, by.
Imposition of nationality because of. *See* Naturalization, consent not required for.
Naturalization, effect of domicile or residence on. *See* Naturalization.
Recovery of nationality, effect of domicile or residence on. *See* Recovery of nationality.

Dominican Republic..... 217

PAGE

Dominions, nationality in. *See* Colonies, dominions, possessions and other territories, nationality in.

Dual nationality, provisions resulting in, preventing or terminating. *See also* Birth, acquisition of nationality at; Election of nationality; Expatriation, recognition of right of, under treaties; Marriage; Renunciation of nationality.
ALBANIA, Civil Code, effective April 1, 1929, Art. 10..... 6
BELGIUM, Law of May 15, 1922, Arts. 5–10..... 29
Art. 14..... 31
Art. 21..... 32
Transitory Provisions, 1, 3 33
Law of Aug. 4, 1926, Art. 1..... 38
Art. 10..... 40
BELGIAN CONGO, Decree of June 21, 1904, 1, 2..... 44
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 1 (1)..... 62
Id. 14 (1), 15..... 68
AUSTRALIA, Act of 1920 to 1925, 6 (1)..... 89
Id. 22..... 96
CANADA, Act of 1914, 3 (5)..... 76
Id. 17, 18..... 82
Act of 1921, 3..... 86
IRISH FREE STATE, Constitution of Dec. 6, 1922, Art. 3..... 130
NEWFOUNDLAND, Consolidated Statutes, Third Series (1916), Ch. 78, 14..... 140
Act of 1929, I (2)..... 144
NEW ZEALAND, Act of 1928, Second Schedule, 1 (1)..... 112
Id. Second Schedule 14, 1. 114
PALESTINE, Order of July 24, 1925, 3, 4..... 152
Id. 16..... 156
UNION OF SOUTH AFRICA, Act of 1926, 1 (1)..... 116
Id. 16..... 123
Act No. 40, Nov. 11, 1927, 5... 129
CHILI, Constitution of Sept. 18, 1925, Art. 5 (3)..... 170
CUBA, Constitution of Feb. 21, 1901, Transitory Provisions, Second 102
Civil Code of 1888 to 1889, Art. 26..... 195
CZECHOSLOVAKIA, Constitution of Feb. 29, 1920, Art. 4..... 200
Law No. 236, of April 9, 1920, 2, 4 201
Id. 5..... 202
DANZIG, Law of May 30, 1922, 5 (3), 8 (7)..... 210
DENMARK, Law of March 25, 1871, 1, 2..... 214

PAGE

Dual nationality—*Continued*
DOMINICAN REPUBLIC, Constitution of June 20, 1929, Art. 8 (3). 217
EGYPT, Law No. 19, Feb. 27, 1929, Art. 24 229
FINLAND, Law of June 17, 1927, Art. 2 239
FRANCE, Law of Aug. 10, 1927, Art. IX, (3) 249
GREATER LEBANON, Order No. 15/S, Jan. 19, 1925, Art. 1 (2) 298
GUATEMALA, Law of Feb. 21, 1894, Art. 1 322
Art. 6 323
HAITI, Law of Aug. 22, 1907, Art. 4. 328
ICELAND, Law of Oct. 6, 1919, Art. 2 344
Law of June 15, 1926, Art. 2 346
ITALY, Law of June 13, 1912, Art. 1 363
Art. 7 364
JAPAN, Law No. 66, March 1899, as revised, Art. 20 384
LATVIA, Law of Aug. 23, 1919, 8... 406
Law of June 2, 1927, I 407
Id. VIII 409
LUXEMBURG, Law of March 15, 1918, Art. 2 425
NETHERLANDS, Law of Dec. 12, 1892, as amended, Art. 2 441
PERSIA, Law of Sept. 7, 1929, Art. III 473
POLAND, Law of Jan. 20, 1920, Art. 2 479
Arts. 3, 5 480
Regulations of July 13, 1920, Art. 9 488
PORTUGAL, Decree of Dec. 2, 1910, Art. 2 493
SWITZERLAND, Civil Code of Dec. 10, 1907, Art. 22 560
MULTIPARTITE TREATIES AND OTHER AGREEMENTS
Treaty signed at Versailles, June 28, 1919. Allied and Associated Powers and Germany. Art. 278 646
Treaty signed at St. Germain-en-Laye, Sept. 10, 1919. Allied and Associated Powers and Austria. Art. 230 647
Treaty signed at Trianon, June 4, 1920. Allied and Associated Powers and Hungary. Art. 213 649
Annex to Convention signed at Habana, Feb. 20, 1928, Arts. 9–11 654
BIPARTITE TREATIES AND OTHER AGREEMENTS
Salvador—Spain, Treaty signed at San Salvador, March 2, 1885, Art. I 675

PAGE

Germany—Guatemala, Treaty signed at Guatemala, Sept. 20, 1887, Art. X 676
Italy—Mexico, Conventon signed at Mexico, Aug. 20, 1888. Art. I to Art. III 677
Bolivia—Italy, Treaty signed at Lima, Oct. 18, 1890. Art. 4 (b) 678
Germany—Nicaragua, Treaty signed at Managua, Feb. 4, 1896, Art. X 679
Great Britain—Haiti, Convention signed at Port-au-Prince, April 6, 1906, Art. I 682
Art. II 683
Belgium—Bolivia, Treaty signed at La Paz, April 18, 1912, V 685
Italy—Nicaragua, Convention signed at Managua, Sept. 20, 1917, Arts. II, III 686
Latvia—Lithuania, Convention signed at Riga, May 14, 1921, I 694
France—Great Britain, Exchange of Notes, May 24, 1923 696
Belgium—France, Convention signed at Paris, Sept. 12, 1928, Art. IV 706
Holy See—Italy, Treaty signed at Rome, February 11, 1929, Art. 9 708
Brazil—Italy, *Modus vivendi* negotiated at Itamaraty 709

Durostor
Rumanian law of Feb. 23, 1924, Art. 66 507

Duties of native or naturalized citizens. *See* Rights and duties of native or naturalized citizens.

Ecuador 221

Egypt 225

Election of nationality
Jure sanguinis or *Jure soli*. *See also* Dual nationality, provisions resulting in, preventing or terminating.
AFGHANISTAN, Code of Aug. 1921, Ch. III, Art. 85 3
ALBANIA, Civil Code, effective April 1, 1929, Art. 5 5
Art. 10 6
ARGENTINA, Law No. 346, Oct. 6, 1869, Art. 1 (2) 10
Arts. 5, 6 11

PAGE

Election of nationality—*Continued*
BELGIUM, Law of May 15, 1922, Arts. 6–10 29
Transitory Provisions, 1 .. 33
Law of Aug. 4, 1926, Art. 1 38
Arts. 13–15 40
BELGIAN CONGO, Civil Code of 1892, Ch. I, 5 42
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 1 (1) 62
Id. 14 68
AUSTRALIA, Act of 1920 to 1925, 6 (1) 89
CANADA, Act of 1914, 3 (5) 76
Id. 17 82
NEWFOUNDLAND, Act of 1929, I (2) 144
NEW ZEALAND, Act of 1928, Second Schedule, 1 (1) 112
Id. Second Schedule, 14 ... 114
PALESTINE, Order of July 24, 1925, 16 156
UNION OF SOUTH AFRICA, Act of 1926 1 (1) 116
Id. 16 123
BULGARIA, Law of Dec. 31, 1903, as amended, Arts. 5 (3), 6 .. 163
CHILE, Constitution of Sept. 18, 1925, Art. 5 (1) 170
COSTA RICA, Constitution of Dec. 7, 1871, Art. 5 (2), (3) 184
Law of May 13, 1889, Arts. 1 (6), 2 186
CUBA, Constitution of Feb. 21, 1901, Arts. 4 and 5 (2), (3) 191
Civil Code of 1888 to 1889, Art. 17 193
DENMARK, Law of April 18, 1925, Sec. II 214
DOMINICAN REPUBLIC, Constitution of June 20, 1929, Art. 8, 3 217
EGYPT, Decree Law No. 19, Feb. 27, 1929, Art. 7 227
FRANCE, Law of Aug. 10, 1927, Art. II 245
Art. III 246
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), Decree of Nov. 5, 1928, Art. 2 (7) 258
Arts. 3–5 259
Art. 9 (2) 262
GREECE, Law No. 391, Oct. 29, 1856, Art. 14 (e) 315
GUATEMALA, Law of Feb. 21, 1894, Art. 6 323
HAITI, Law of Aug. 22, 1907, Art. 4 328

PAGE

HONDURAS, Constitution of Sept. 10, 1924, Art. 7 (2) 332
IRAQ, Law of Oct. 9, 1924, as amended, Art. 9 349
Notification of 1927 359
JAPAN, Law No. 66, March 1899, as revised, Art. 20 384
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 31 395
LIBERIA, Law of Feb. 8, 1922, Sec. 74 414
LUXEMBURG, Civil Code of 1807, 9 420
Law of Dec. 12, 1859, 1, 3 423
Law of Jan. 27, 1878, 2 423
Law of Feb. 5, 1890, Sole Art... 424
Law of March 14, 1905, Sole Art. 424
MEXICO, Constitution of 1917, Art. 30 426
Law of May 28, 1886, Art 2 (2) 429
NICARAGUA, Constitution of Nov. 10, 1911, Art. 8 (2) 448
NORWAY, Law of Aug. 8, 1924, Sec. 2 454
PANAMA, Constitution of Feb. 13, 1904, Art. 6 (2) 458
Civil Code of July 1, 1917, Art. 39, 2 467
Law of Aug. 22, 1916, effective July 1, 1917, Art. 125 460
Act of Oct. 19, 1928 468
PARAGUAY, Constitution of Nov. 25, 1870, Art. 35 (2) 471
PERSIA, Law of Sept. 7, 1929, Art. II 473
POLAND, Law of Jan. 20, 1920, Art. 3 480
PORTUGAL, Civil Code of 1867, Art. 18 (2), (3) 490
RUMANIA, Law of Feb. 23, 1924, Art. 58 506
SALVADOR, Constitution of Aug. 13, 1886, Art. 42 (2) 516
Law of April 3, 1900, Art. 2 (2) 518
SPAIN, Civil Laws of 1889, Art. 18 537
Art. 19 538
SWEDEN, Law No. 130, May 23, 1924, Art. 2 546
TURKEY, Constitution of May 24, 1924, Art. 88 568
Law of Jan. 19, 1869, Art. 2 ... 568
Law of May 28, 1928, Arts. 3, 4 570
Law of April 6, 1929, Art. 4 572
UNITED STATES
PORTO RICO, Law of March 2, 1917, Sec. 5 623
VENEZUELA, Constitution of May 29, 1929, Art. 29 640

PAGE

Election of nationality—*Continued*
BIPARTITE TREATIES AND OTHER AGREEMENTS
Costa Rica—Italy, Convention signed at Rome, May 6, 1873, Art. I..... 674
France—Switzerland, Convention signed at Paris, July 23, 1879, Arts. I, II..... 674
Salvador—Spain, Treaty signed at San Salvador, March 2, 1885, Arts. I–III..... 675
Italy—Mexico, Convention signed at Mexico, Aug. 20, 1888, Arts. I–III..... 677
Bolivia—Italy, Treaty signed at Lima, Oct. 18, 1890, Art. 4 (b)..... 678
Germany—Nicaragua, Treaty signed at Managua, Feb. 4, 1896, Art. X, Sec. 3..... 679
Italy—Nicaragua, Convention signed at Managua, Sept. 20, 1917, Art. II..... 686
Albania—Greece, Convention signed at Athens, Oct. 13, 1926, Art. I (3) 701
Arts. II–IV..... 702
Married women, divorcees or widows, by. *See also* Death of husband, effect of, on nationality of wife; Marriage, effect of dissolution, on nationality of wife; Renunciation of nationality.
ALBANIA, Civil Code, effective April 1, 1929, Art. 15..... 7
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 10..... 67
AUSTRALIA, Act of 1920 to 1925, 18..... 95
CANADA, Act of 1914, 10..... 80
NEWFOUNDLAND, Consolidated Statutes, Third Series (1916) Ch. 78, 10..... 140
NEW ZEALAND, Act of 1928, Second Schedule, 10..... 113
PALESTINE, Order of July 24, 1925, 11..... 154
Id. 12..... 155
UNION OF SOUTH AFRICA, Act of 1926, 12..... 122
Act No. 40, Nov. 11, 1927, 2 128
BULGARIA, Law of Dec. 31, 1903, as amended, Art. 15..... 165
FRANCE
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION) Decree of Nov. 5, 1928, Art. 11..... 263

PAGE

PERSIA, Law of Sept. 7, 1929, Art. IX..... 474
TURKEY, Law of May 28, 1928, Art. 13..... 571
UNITED STATES, Law of March 2, 1907, Secs. 3, 4..... 601
VENEZUELA, Constitution of May 29, 1929, Art. 29 (4)..... 640
Civil Code of 1922, Ch. I, Art. XXI..... 641
BIPARTITE CONVENTION
Belgium—France, Convention signed at Paris, Sept. 12, 1928, Arts. I–VI 706
Miscellaneous provision. *See also* Renunciation of nationality.
ALBANIA, Civil Code, effective April 1, 1929, Art. 17..... 7
ARGENTINA, Law No. 346, Oct. 8, 1869, Art. 1 (4)..... 10
AUSTRIA, Law No. 285, July 30, 1925, Par. 24 22
BELGIUM, Law of Aug. 4, 1926, Art. 9..... 39
BRITISH EMPIRE
IRISH FREE STATE, Constitution of Dec. 6, 1922, Art. 3 130
PALESTINE, Order of July 24, 1925, 1 and 2..... 151
UNION OF SOUTH AFRICA, Act of 1926, 29..... 126
SOUTHWEST AFRICA, MANDATED TERRITORY OF,
Act No. 30 of 1924, 2 (1)... 158
Act No. 27, of June 7, 1928, 1 159
BULGARIA, Law of Dec. 31, 1903, as amended, Art. 11..... 164
Art. 18..... 166
COSTA RICA, Law of June 29, 1909, concerning inscription of Central American citizens, Arts. 1–4..... 189
CUBA, Constitution of Feb. 21, 1901, Art. 6 (1), (2)..... 192
Civil Code of 1888 to 1889, Art. 17..... 193
Art. 26..... 195
CZECHOSLOVAKIA, Law No. 236, April 9, 1920, 4..... 201
Id. 5..... 202
Id. 10, 11..... 203
EGYPT, Law No. 19, Feb. 27, 1929, Arts. 2, 3..... 226
FRANCE
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), Decree of Nov. 5, 1928, Art. 9 (3)..... 262
Art. 11..... 263
GREATER LEBANON, Order No. 15/S of Jan. 19, 1925, Art. 4..... 298

PAGE

Election of nationality—*Continued*
Ordinances No. 2825/2825 bis, Arts. 2, 3, 5 300
MOROCCO, Decree of April 29, 1920, Arts. 3–5 288
Decree of Nov. 8, 1921, Art. 1 291
SYRIA, Ordinances No. 2825/2825 bis, Arts. 2–5 303
ICELAND, Law of Oct. 6, 1919, Arts. 9, 11 345
IRAQ, Law of Oct. 9, 1924, Arts. 4, 5 349
Regulations of Oct. 1, 1926, 5. 353
Ordinance of Oct. 28, 1926, Arts. 2, 3 358
ITALY, Law of June 13, 1912, Art. 12 366
Law of May 12, 1927, Art. 4 376
Art. 6 377
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 55 400
LATVIA, Law of Aug. 23, 1919, 1, 2 405
Law of June 2, 1927, II 407
LITHUANIA, Law of June 9, 1922, 6 418
MEXICO, Law of May 28, 1886, Art. 1 (3), (10), (11) 427
PANAMA, Law of Aug. 22, 1916, effective July 1, 1917, Arts. 130, 132 461
PERSIA, Law of Sept. 7, 1929, Art. IX 474
RUMANIA, Law of Feb. 23, 1924, Art. 51 504
Art. 56 505
Arts. 60, 63 506
SIAM, Law 130 of May 18, 1911, 13 523
SPAIN, Civil Laws of 1889, Art. 26 538
UNITED STATES
PHILIPPINE ISLANDS, Treaty between the United States and Spain, Dec. 10, 1898, Art. IX 617
PORTO RICO, Law of March 2, 1917, Sec. 5 623
Law of March 4, 1927, Sec. 2 624
VENEZUELA, Law of July 13, 1928, Arts. 4 (1), 8 642
Under treaties or under provisions regarding treaties
ALBANIA, Civil Code, effective April 1, 1929, Art. 10 6
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 15 68
AUSTRALIA, Act of 1920 to 1925, 23 96
CANADA, Act of 1914, 18 82

PAGE

NEWFOUNDLAND, Consolidated Statutes, Third Series (1916), Ch. 78, 15 141
NEW ZEALAND, Act of 1928, Second Schedule, 15 114
PALESTINE, Order of July 24, 1925, 2 151
UNION OF SOUTH AFRICA, Act of 1926, 17 123
COSTA RICA, Law of June 29, 1909, concerning inscription of Central American citizens, Arts. 1–4 189
FRANCE
GREATER LEBANON, Order No. 15/S, Jan. 19, 1925, Arts. 10, 11 299
SYRIA, Order No. 16/S of Jan. 19, 1925, Arts. 10, 11 302
HONDURAS, Law No. 31, Feb. 4, 1926, Art. 1 (8) 334
IRAQ, Ordinance of Oct. 28, 1926 358
MEXICO, Law of May 28, 1886, Art. 1 (8) 428
POLAND, Regulations of July 13, 1920 487
RUMANIA, Law of Feb. 23, 1924, Art. 51 504
SWITZERLAND, Instruction of Feb., 1923, Art. 9 565
Art. 13 566
UNITED STATES
PHILIPPINE ISLANDS, Law of July 1, 1902, Sec. 4 617
Law of Aug. 29, 1916, Sec. 2 617
PORTO RICO, Law of April 12, 1900, Sec. 7 623
VIRGIN ISLANDS, Treaty between the United States and Denmark, Aug. 4, 1916, Art. 6 625
MULTIPARTITE TREATIES AND OTHER AGREEMENTS
Treaty signed at Versailles, June 28, 1919. Allied and Associated Powers and Germany. Art. 278 646
Treaty signed at Versailles June 28, 1919. Poland and the Principal Allied and Associated Powers. Art. 4 ... 646
Treaty signed at St. Germain-en-Laye. Sept. 10, 1919. Principal Allied and Associated Powers and the Serb-Croat-Slovene State. Art. 4 647
Treaty signed at St. Germain-en-Laye, Sept. 10, 1919. Principal Allied and Associated Powers and Czechoslovakia. Art. 4 648

PAGE

Election of nationality—*Continued*
Treaty signed at Paris, Dec. 9, 1919. Principal Allied and Associated Powers and Rumania. Art. 4 649
BIPARTITE TREATIES AND OTHER AGREEMENTS
Norway-Sweden—United States, Convention and Protocol signed at Stockholm, May 26, 1869, Art. III 668
Great Britain—United States, Convention signed at London, May 13, 1870, Art. II 669
Great Britain—United States, Supplemental Convention signed at Washington, Feb. 23, 1871 672
Denmark—United States, Convention signed at Copenhagen, July 20, 1872, Art. II 673
Costa Rica—Italy, Convention signed at Rome, May 6, 1873, Art. I 674
France—Switzerland, Convention signed at Paris, July 23, 1879, Arts. I, II 674
Salvador—Spain, Treaty signed at San Salvador March 2, 1885. Arts. I–III 675
Latvia—Lithuania, Convention signed at Riga, May 14, 1921, 4, 5, 7 695
France—Great Britain, Exchange of Notes, May 24, 1923 696
Belgium—France, Convention signed at Paris, Sept. 12, 1928, Arts. I–VI 706

Enemy state, expatriation by being a subject of. *See* Expatriation, subject of an enemy state, by being.

Estonia 231

Ethiopia 236

Evidence regarding nationality and naturalization. *See* Nationality and naturalization, administrative provisions, evidence and procedure regarding.

Execution of law, branch of government charged with. *See also* Dispute or doubt regarding nationality, settlement of; Law, particular, governing nationality.
ARGENTINE, Law No. 346, Oct. 8, 1869, Art. 14 12

PAGE

AUSTRIA, Law No. 285, July 30, 1925, Par. 25 (2) 22
Law No. 272, July 30, 1925, Par. 2 17
Law No. 286, July 30, 1925, Par. 9 24
Law of June 8, 1927, Art. 2 24
Law of Dec. 20, 1928, Art. VI... 26
BRAZIL, Decree No. 569, June 7, 1899, Art. 2 49
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 19 (1) 69
AUSTRALIA, Act of 1920 to 1925, 36 99
BRITISH INDIA, Act No. 7, Feb. 26, 1926, 13 136
CANADA, Act of 1914, 28 84
NEWFOUNDLAND, Consolidated Statutes, Third Series (1916) Ch. 78, 19 141
NEW ZEALAND, Act of 1928, 4... 105
Id. 7 (2) (c), (d) 106
Id. 14 107
PALESTINE, Order of July 24, 1925, 19 156
Id. 23, 24 157
UNION OF SOUTH AFRICA, Act of 1926, 28 125
CZECHOSLOVAKIA, Law No. 236, April 9, 1920, 21 205
Law No. 152, July 1, 1926, Sec. 8 208
DANZIG, Law of May 30, 1922, 26.. 212
EGYPT, Law No. 19, Feb. 27, 1929, Art. 27 230
ESTONIA, Law No. 87, Oct. 27, 1922, 23 235
FRANCE
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), Decree of Nov. 5, 1928, Art. 28 268
FRENCH INDO-CHINA, Decree of Nov. 4, 1928, Art. 8 280
GREATER LEBANON, Order No. 15/S, Jan. 19, 1925, Art. 13 299
MADAGASCAR, Decree of March 3, 1909, Art. 7 282
Decree of Nov. 25, 1913, Art. 3 283
Decree of Nov. 7, 1916, Art. 17 287
MOROCCO, Decree of Nov. 8, 1921, Art. 2 291
SYRIA, Order No. 16/S, Jan. 19, 1925, Art. 13 302
Ordinances Nos. 2825/2825 bis, Art. 7 303
TUNIS, Law of Dec. 20, 1923, Art. 12 297
GERMANY, Law of July 22, 1913, Sec. 39 313
GREECE, Law of Oct. 15, 1927, Art. 2 320
HAITI, Law of Aug. 22, 1907, Art. 24 330
HEJAZ, Law of Sept. 24, 1926, 11.. 331

PAGE

Execution of law—*Continued*
HUNGARY, Law of Dec. 20, 1879, Art. 50 343
IRAQ, Law of Oct. 9, 1924, Arts. 20, 22 351
Law of Feb. 25, 1925, Arts. 6, 8 352
Ordinance of Oct. 28, 1926, Art. 5 358
Regulation of July 3, 1927, Art. 4 359
Law of 1928, Art. 4 360
ITALY, Law of June 13, 1912, Art. 20 367
Law No. 43, Jan. 29, 1922, Art. 6 370
Decree No. 1245, June 7, 1923, Art. 3 372
Law No. 1854, Oct. 15, 1925, Art. 3 373
Law No. 1378, March 13, 1927, Art. 3 375
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 63 402
LATVIA, Law of June 2, 1927, XI .. 409
MEXICO, Law of May 28, 1886, Temporary Provisions, Art. 3 . 435
NORWAY, Law of Aug. 8, 1924, Sec. 15 457
POLAND, Law of Jan. 20, 1920, Art. 15 482
SIAM, Law No. 130, May 18, 1911, 12 523
Law of April 10, 1913, 12 525
SPAIN, Law of July 4, 1870, Art. 57 537
Decree of Dec. 20, 1924, Art. 4 .. 544
SWEDEN, Law No. 130, May 23, 1924, Art. 12 549
SWITZERLAND, Law of June 26, 1920, Art. 3 561
TURKEY, Law No. 1041, May 23, 1927, Art. 3 569
Law of May 28, 1928, Art. 17 .. 572
UNITED STATES, Law of June 29, 1906, as amended, Secs. 1, 3 . 580
Sec. 28 599
Law of March 4, 1913 604
Law of March 2, 1929, Sec. 8 .. 613
PHILIPPINE ISLANDS, Act of March 26, 1920, Sec. 17 622
VENEZUELA, Law of July 13, 1928, Art. 10 642
BIPARTITE AGREEMENT
The Danish-Icelandic Act of Union of Nov. 30, 1918, III, Sec. 7 688
Id. V, Sec. 16 689

Expatriation
Conditional on consent of government or performance of national services
AFGHANISTAN, Code of Aug. 1921, Ch. III, Art. 91 3
ALBANIA, Civil Code, effective April 1, 1929, Art. 11 6
BELGIUM, Law of May 15, 1922, Art. 18, (1) 32

PAGE

Law of Aug. 4, 1926, Art. 16 .. 41
BELGIAN CONGO, Decree of June 21, 1904, 2 44
BULGARIA, Constitution of April 16 to 29, 1879, Art. 56 162
Law of Dec. 31, 1903, as amended, Arts. 17 (1), 21 . 166
CHINA, Law of Feb. 5, 1929, Arts. 11, 12, 13 177
EGYPT, Law No. 19, Feb. 27, 1929, Art. 12 228
ESTONIA, Law No. 87, Oct. 27, 1922, 18, 20–22 234
FINLAND, Law of Feb. 20, 1920, 1 237
Law of June 17, 1927, 4 240
FRANCE, Law of Aug. 10, 1927, Art. IX 249
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), Decree of Nov. 5, 1928, Art. 9 (1) 262
GREATER LEBANON, Order No. 15/S, Jan. 19, 1925, Art. 8 299
MADAGASCAR, Decree of Nov. 25, 1913, Art. 1 282
SYRIA, Order No. 16/S, Jan. 19, 1925, Art. 8 (1) 302
GERMANY, Law of July 22, 1913, Sec. 22 309
Secs. 24, 25 310
GREECE, Law No. 391, Oct. 29, 1856, Art. 23 317
HEJAZ, Law of Sept. 24, 1926, 6 .. 331
HUNGARY, Law of Dec. 20, 1879, Arts. 21–25 339
IRAQ, Law of Oct. 9, 1924, as amended, Art. 13 350
Law of Feb. 25, 1925, Art. 2 ... 351
JAPAN, Law No. 66, March 1899, as revised, Art. 24 385
JUGOSLAVIA, Law of Sept. 21, 1928, Arts. 22–25 393
Art. 56 401
Law of Sept. 6, 1929, Arts. 8, 42 402
LATVIA, Law of Aug. 23, 1919, 9 .. 406
Law of June 2, 1927, IX 409
NORWAY, Law of Aug. 8, 1924, Sec. 8 455
PERSIA, Law of Sept. 7, 1929, Art. XIII 475
POLAND, Law of Jan. 20, 1920, Art. 10 481
Order of June 7, 1920, Art. 6 ... 483
RUSSIA, Decree No. 202, Oct. 29, 1924, 13 514
SIAM, Law of April 10, 1913, 5 ... 524
SWEDEN, Law No. 130, May 23, 1924, Arts. 7, 10 548
TURKEY, Law of Jan. 19, 1869, Art. 5 568
Law of May 28, 1928, Art. 7 ... 569

PAGE

Expatriation—*Continued*
BIPARTITE TREATIES AND OTHER AGREEMENTS
Portugal—Spain, Exchange of Notes, April 24, and July 29, 1897 680
Austria—Czechoslovakia, Treaty signed at Brunn, June 7, 1920, XVI 692
Czechoslovakia—Germany, Treaty signed at Prague, June 29, 1920, Art. 13 693
Enemy state, by being a subject of. *See* Expatriation, subject of an enemy state, by being.
Failure to return to country in time of war, by,
BULGARIA, Law of Dec. 31, 1903, as amended, Art. 20 166
GERMANY, Law of July 22, 1913, Sec. 27 311
Military or other public service, by entering the, or accepting titles or decorations of, a foreign country
Conditional
ALBANIA, Civil Code, effective April 1, 1929, Art. 12 ... 6
Art. 13 7
BOLIVIA, Constitution of Oct. 17, 1880, Art. 35 (4) 46
BRAZIL, Constitution of 1891, Art. 71, Par. 2 49
Decree No. 569, June 7, 1899, Art. 1, Par. 2 49
BULGARIA, Law of Dec. 31, 1903, Art. 17 (3), (4)... 166
COSTA RICA, Law of May 13, 1889, Art. 4 (2), (3).... 186
CUBA, Constitution of Feb. 21, 1901, Art. 7 (2), (3).... 192
Civil Code of 1888 to 1889, Art. 20, Second, Third.. 194
DANZIG, Law of May 30, 1922, 15 211
EGYPT, Law No. 19, Feb. 27, 1929, Art. 13 228
FINLAND, Law of June 17, 1927, 3, 7 240
FRANCE, Law of Aug. 10, 1927, Art. IX (4) 249
Art. XIV (b) 251
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), Decree of Nov. 5, 1928, Art. 9 (4) 262
Art. 24 268
GREATER LEBANON, Order No. 15/S, Jan. 19, 1925, Art. 8 (2) 299
SYRIA, Order No. 16/S, Jan. 19, 1925, Art. 8 (2) ... 302

PAGE

GERMANY, Law of nationality of July 22, 1913, Sec. 28 311
GREECE, Law No. 391, Oct. 29, 1856, Art. 23, (b) 317
GUATEMALA, Law of Feb. 21, 1894, Art. 7 323
HAITI, Law of Aug. 22, 1907, Art. 17 (3) 330
HEJAZ, Law of Sept. 24, 1926, 7 331
HONDURAS, Law No. 31, Feb. 4, 1926, Art. 1 (7) 334
HUNGARY, Law of Dec. 20, 1879, Art. 30 340
IRAQ, Law of Oct. 9, 1924, as amended, Art. 15 350
ITALY, Law of June 13, 1912, Art. 8 (3) 364
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 32 396
Law of Sept. 6, 1929, Art. 45 403
MEXICO, Constitution of 1917, Art. 37 (2) 427
Law of May 28, 1886, Art. 2 (6), (7) 429
MONACO, Civil Code of Nov. 6, 1913, 17 (3), (4) 438
NETHERLANDS, Law of Dec. 12, 1892, Art. 7 (4) 443
Law of Feb. 10, 1919, as amended, Art. 2 (3).... 447
PANAMA, Constitution of Feb. 13, 1904, Art. 7 (2).... 458
Law of Aug. 22, 1916, effective July 1, 1917, Art. 136 (2) 462
POLAND, Law of Jan. 20, 1920, Art. 11 481
Order of June 7, 1920, Art. 6 483
PORTUGAL, Civil Code of 1867, Art. 22, (2) 491
RUMANIA, Law of Feb. 23, 1924, Arts. 36 (d), 37... 502
SALVADOR, Law of April 3, 1900, Art. 2 (5) 519
SPAIN, Constitution of June 30, 1876, Art. 1 (4) 527
Civil Laws of 1889, Art. 20.. 538
TURKEY, Law of Jan. 19, 1869, Art. 6 569
Law of May 28, 1928, Arts. 9, 10 571
BIPARTITE CONVENTION
Italy—Nicaragua, Convention signed at Managua, Sept. 20, 1917, Art. V.. 687
Unconditional
AUSTRIA, Law No. 285, July 30, 1925, Par. 10 (1) 2..... 19
Par. 15 20
Law of June 8, 1927, Art. 1. 24
ECUADOR, Constitution of March 26, 1929, Art. 10, 2nd 222

PAGE

Expatriation—*Continued*
BIPARTITE TREATY
Austria—Czechoslovakia, Treaty signed at Brunn, June 7, 1920, III (1)... 692
Military service, by non-performance of
GERMANY, Law of July 22, 1913, Sec. 17 (3)..... 309
Sec. 26..... 310
Sec. 32..... 312
Minor, through naturalization abroad of, or loss of nationality by, a parent, or marriage of mother to an alien. *See also* Child, loss of nationality by parent, effect of, on the nationality of, not involving expatriation.
Conditional
ALBANIA, Civil Code, effective April 1, 1929, Art. 17... 7
AUSTRIA, Law No. 285, of July 30, 1925, Par. 8 (1), (2) 19
Par. 10 (2)..... 20
Par. 15..... 20
BELGIUM, Law of May 15, 1922, Arts. 18 (4), 19, 21..... 32
Transitory Provisions 6 (6)..... 34
Law of Aug. 4, 1926, Art. 5. 39
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 7 a..... 66
Id. 12 (1)..... 68
AUSTRALIA, Act of 1920 to 1925, 12 (3)..... 93
Id. 13 (1)..... 94
Id. 20..... 95
Id. First Schedule, 7 A. 102
CANADA, Act of 1914, 10.... 80
Id. 15..... 81
NEWFOUNDLAND, Consolidated Statutes, Third Series (1916), Ch. 78, 12 140
Act of 1929, IV, 7 A..... 146
NEW ZEALAND, Act of 1928, First Schedule, 7 A.... 110
Second Schedule, 12 ... 113
PALESTINE, Order of July 24, 1925, 11..... 154
Id. 14 (1)..... 155
UNION OF SOUTH AFRICA, Act of 1926, 7 (2), to (7) 120
Id. 8..... 121
Id. 14..... 122
Act No. 40, Nov. 11, 1927, 4 (1)..... 128
DANZIG, Law of May 30, 1922, 14..... 211
EGYPT, Law No. 19, Feb. 27, 1929, Art. 16..... 228

PAGE

ESTONIA, Law No. 87, Oct. 27, 1922, 22..... 235
FRANCE
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), Decree of Nov. 5, 1928, Art. 9 (4)..... 262
GERMANY, Law of July 22, 1913, Sec. 19..... 309
HUNGARY, Law of Dec. 20, 1879, Art. 26..... 340
Art. 32..... 341
ICELAND, Law of Oct. 6, 1919, Art. 5..... 344
ITALY, Law of June 13, 1912, Art. 12..... 366
JAPAN, Law No. 66, March 1899, as revised, Arts. 21, 22, 24..... 385
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 34..... 396
Art. 37..... 397
MEXICO, Law of May 28, 1886, Art. 2 (4)..... 429
NETHERLANDS, Law of Dec. 12, 1892, Art. 7 (1)..... 443
NICARAGUA, Law of Oct. 3, 1894, Art. 2..... 452
NORWAY, Law of Aug. 8, 1924, Sec. 9..... 455
PERSIA, Law of Sept. 7, 1929, Art. XIII..... 475
POLAND, Law of Jan. 20, 1920, Art. 13..... 481
SALVADOR, Law of April 3, 1900, Art. 2 (3)..... 518
SIAM, Law of April 10, 1913, 10 525
SWITZERLAND, Decree of June 25, 1903, Art. 9..... 558
Civil Code of Dec. 10, 1907, Art. 270..... 560
VENEZUELA, Law of July 13, 1928, Art. 8..... 642
Unconditional
BRITISH EMPIRE
PALESTINE, Order of July 24, 1925, 6..... 153
CUBA, Civil Code of 1888 to 1889, Art. 18..... 193
DANZIG, Law of May 30, 1922, 17..... 211
DENMARK, Law of April 18, 1925, Secs. VI, VIII..... 215
DOMINICAN REPUBLIC, Law No. 1227, Dec. 4, 1929, Art. 3. 219
FINLAND, Law of June 17, 1927, 2..... 239
GERMANY, Law of July 22, 1913, Sec. 29..... 311
ICELAND, Law of Oct. 6, 1919, Arts. 3–5..... 344
Law of June 15, 1926, Art. 6 347

PAGE

Expatriation—*Continued*
- IRAQ, Law of Oct. 9, 1924, Art. 18 351
- LATVIA, Law of Aug. 23, 1919, 7 406
- Law of June 2, 1927, VII ... 409
- NETHERLANDS, Law of Feb. 10, 1910, as amended by the Act of June 10, 1927, Arts. 1 (4), 2 (1) 447
- RUMANIA, Law of Feb. 23, 1924, Art. 50 504
- RUSSIA, Decree No. 202, Oct. 29, 1924, 6, Note 1 512
- SWEDEN, Law No. 130, May 23, 1924, Art. 9 548
- MULTIPARTITE TREATIES AND OTHER AGREEMENTS
  - Treaty signed at Versailles, June 28, 1919. Poland and the Principal Allied and Associated Powers. Art. 4 646
  - Treaty signed at St. Germain-en-Laye, Sept. 10, 1919. Principal Allied and Associated Powers and the Serb-Croat-Slovene State. Art. 4 647
  - Treaty signed at St. Germain-en-Laye Sept. 10, 1919. Principal Allied and Associated Powers and Czechoslovakia. Art. 4 648
  - Treaty signed at Paris, Dec. 9, 1919, Principal Allied and Associated Powers and Rumania. Art. 4. 649
- BIPARTITE TREATIES AND OTHER AGREEMENTS
  - Latvia—Lithuania, Convention signed at Riga, May 14, 1921, 6 695
  - Bulgaria—Turkey, Protocol signed at Angora, Oct. 18, 1925, B 700
  - Albania—Greece, Convention signed at Athens, Oct. 13, 1926, Art. II 702

Naturalization abroad, by Conditional
- BELGIUM, Law of May 15, 1922, Art. 18 (1) 32
- Law of Aug. 4, 1926, Art. 16 41
- BRITISH EMPIRE
  - GREAT BRITAIN, Act of 1914, as amended, 13 68
  - AUSTRALIA, Act of 1920 to 1925, 21 96
  - CANADA, Act of 1914, 16 82

PAGE
- NEWFOUNDLAND, Consolidated Statutes, Third Series (1916), Ch. 78, 13 140
- NEW ZEALAND, Act of 1928, Second Schedule, 13 ... 114
- PALESTINE, Order of July 24, 1925, 15 156
- UNION OF SOUTH AFRICA, Act of 1926, 15 123
- COLOMBIA, Constitution of 1886, Art. 9 180
- CUBA, Constitution of Feb. 21, 1901, Art. 7, 4 192
- DENMARK, Law of April 18, 1925, Sec. V 215
- FRANCE, Law of Aug. 10, 1927, Art. IX (1) 249
  - FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), Decree of Nov. 5, 1928, Art. 9 (1) 262
  - GREATER LEBANON, Ordinances Nos. 2825/2825 bis, Art. 3 300
- HONDURAS, Law No. 31, Feb. 4, 1926, Art. 1 (6) 334
  - Art. 5 335
- ICELAND, Law of Oct. 6, 1919, Art. 5 344
  - Law of June 15, 1926, Art. 5 346
  - Art. 7 347
- ITALY, Law of June 13, 1912, Art. 8 364
  - Law No. 1013, June 26, 1927, (Libyan) Art. 32 379
- JUGOSLAVIA, Law of Sept. 21, 1928, Art. 27 395
- MONACO, Civil Code of Nov. 6, 1913, 17 (1) 438
- NICARAGUA, Constitution of Nov. 10, 1911, Art. 10 (1). 440
- PANAMA, Constitution of Feb. 13, 1904, Art. 7 (1) 458
  - Law of Aug. 22, 1916, effective July 1, 1917, Art. 136 (1) 462
- SALVADOR, Law of April 3, 1900, Art. 2 (4) 519
- SPAIN, Constitution of June 30, 1876, Art. 1 (4) 527
- SWEDEN, Law No. 130, May 23, 1924, Art. 7 548
- SWITZERLAND, Decree of June 25, 1903, Art. 7 558
- TURKEY, Law of Jan. 19, 1869, Art. 5 568
  - Art. 6 569
  - Law of May 28, 1928, Arts. 9, 10 571

PAGE

Expatriation—*Continued*
Unconditional
AUSTRIA, Law No. 285, July 30, 1925, Par. 10 (1) 1 19
Par. 15 20
BOLIVIA, Constitution of Oct. 17, 1880, Art. 35 (1) 46
BRAZIL, Constitution of 1891, Art. 71, Par. 2 (a) 49
Decree No. 569, June 7, 1899, Art. 1, Par. 1 49
BULGARIA, Law of Dec. 31, 1903, Arts. 17 (1), 21 ... 166
COSTA RICA, Law of May 13, 1889, Art. 4 (1) 186
CUBA, Constitution of Feb. 21, 1901, Art. 7 192
Civil Code of 1888 to 1889, Art. 20, First 194
DANZIG, Law of May 30, 1922, 16 211
ECUADOR, Constitution of March 26, 1929, Art. 10, 1st 222
FRANCE
MOROCCO, Convention signed at Madrid, July 3, 1880, Art. XV 288
HAITI, Law of Aug. 22, 1907, Art. 17 (1) 330
ICELAND, Law of June 15, 1926, Arts. 5, 7 344
IRAQ, Law of Feb. 25, 1925, Art. 2 351
JAPAN, Law No. 66, March 1899, Art. 20 384
Art. 24 385
LIBERIA, Law of Feb. 8, 1922, Sec. 73 414
LUXEMBURG, Civil Code of 1807, 17 420
Law of March 15, 1918, Art. 1 425
MEXICO, Constitution of 1917, Art. 37 (1) 427
Law of May 28, 1886, Art. 2 (5) 429
NETHERLANDS, Law of Dec. 12, 1892, Art. 7 (1), (3) ... 443
Law of Feb. 10, 1910, as amended, by the Act of June 10, 1927, Art. 2 (1) 447
PERU, Constitution of Dec. 27, 1919, Art. 64 478
PORTUGAL, Civil Code of 1867, Art. 22 (1) 491
RUMANIA, Law of Feb. 23, 1924, Art. 36 501
SALVADOR, Law of April 3, 1900, Art. 6 519
SPAIN, Civil Laws of 1889, Art. 20 538

PAGE

UNITED STATES, Law of July 27, 1868, R. S., 1878, Sec. 1999 578
Law of March 2, 1907, Sec. 2 600
URUGUAY, Constitution of Jan. 3, 1918, Art. 13 628
VENEZUELA, Law of July 13, 1928, Art. 7 642
BIPARTITE TREATIES AND OTHER AGREEMENTS
Latvia—Lithuania, Convention signed at Riga, May 14, 1921, 3 (b) 694
Oath of allegiance to a foreign country, by taking
LIBERIA, Law of Feb. 8, 1922, Sec. 73 414
UNITED STATES, Law of March 2, 1907, Sec. 2 600
Residence or domicile abroad, by
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 7 (2) (d) 65
AUSTRALIA, Act of 1920 to 1925, 12 (2) (d) 92
Id. The First Schedule, 7 (2) (d) 101
BRITISH INDIA, Act No. 7, Feb. 26, 1926, 8 (2) (d) 134
CANADA, Act of 1914, 9 (d) 79
NEWFOUNDLAND, Act of 1929, IV, 7 (2) (d) 145
NEW ZEALAND, Act of 1928, First Schedule, 7 (2) (d) .. 109
PALESTINE, Order of July 24, 1925, 10 154
UNION OF SOUTH AFRICA, Act of 1926, 3 (2) 118
Id. 7 (1) (c) 119
SOUTHWEST AFRICA, MANDATED TERRITORY OF, Act No. 27 of June 7, 1928 ... 160
COSTA RICA, Law of May 13, 1889, Art. 11 188
CUBA, Constitution of Feb. 21, 1901, Art. 7 (4) 192
Civil Code of 1888 to 1889, Art. 20, Fourth 194
DENMARK, Law of April 18, 1925, Secs. VI, VIII 215
FINLAND, Law of June 17, 1927, 2 239
ICELAND, Law of June 15, 1926, Art. 6 344
Art. 8 345
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 28 395
LIBERIA, Law of Jan. 6, 1908, Sec. 2 411
Law of Feb. 8, 1922, Sec. 73 (Rebuttable Presumption) 414
LUXEMBURG, Civil Code of 1807, 17 420
Law of March 15, 1918, Art. 2 425

PAGE

Expatriation—*Continued*
MEXICO, Law of May 28, 1886, Art. 2 (3) 429
Art. 10 (Conditional) 431
NETHERLANDS, Law of Dec. 12, 1892, as amended, Art. 7 (5) 443
Law of Feb. 10, 1910, as amended, Art. 2 (4) (Conditional) 447
NICARAGUA, Law of Oct. 3, 1894, Art. 31 (Conditional) 245
NORWAY, Law of Aug. 8, 1924, Sec. 9 455
Sec. 12 456
RUSSIA, Law of Dec. 15, 1921, I (a) 511
SALVADOR, Law of April 3, 1900, Art. 10 (Conditional) 520
SWEDEN, Law No. 130, May 23, 1924, Art. 4 546
Art. 9 548
TURKEY, Law of May 28, 1928, Art. 10 571
UNITED STATES
Law of June 29, 1906, as amended, Sec. 15 (Conditional) 593
Law of March 2, 1907, Sec. 2 (Conditional; rebuttable presumption.) 600
Law of Sept. 22, 1922, Sec. 2 (Conditional; rebuttable presumption) 608
PHILIPPINE ISLANDS, Act of March 26, 1920, Sec. 14 (*prima facie*) 621
MULTIPARTITE CONVENTION
Convention signed at Rio de Janeiro, August 13, 1906, Art. 1 (Rebuttable presumption) 645
BIPARTITE TREATIES AND OTHER AGREEMENTS
North German Union—United States of America, Treaty signed at Berlin, Feb. 22, 1868, Art. IV 661
Bavaria—United States of America, Treaty signed at Munich, May 26, 1868, Art. IV 662
Protocol, III (Conditional) 663
United States of America—Kingdom of Württemberg, Treaty signed at Stuttgart, July 27, 1868, Art. IV 665
Grand Duchy of Hesse—United States of America, Treaty signed at Darmstadt, Aug. 1, 1868, Art. IV 666
Norway and Sweden—United States, Convention and Protocol signed at Stockholm, May 26, 1869, Protocol, III 669
Denmark—United States, Convention signed at Copenhagen, July 20, 1872, Art. III 673
Argentina—Sweden and Norway, Treaty signed at Vienna, July 17, 1885, Additional Article 676
Japan—Spain, Protocol to Treaty signed at Madrid, Jan. 2, 1897, 7 680
Haiti—United States, Treaty signed at Washington, March 22, 1902, Arts. II, III 682
Peru—United States, Convention signed at Lima, Oct. 15, 1907, Arts. II, III 684
Portugal—United States, Convention signed at Washington, May 7, 1908, Art. III 685
Italy—Nicaragua, Convention signed at Managua, Sept. 20, 1917, Art. IV 687
Bulgaria — United States, Treaty signed at Sofia, Nov. 23, 1923, Art. III 698
United States—Czechoslovakia, Treaty signed at Prague, July 16, 1928, Art. III.... 705

PAGE

Residence or domicile, by abandonment of,
BRITISH EMPIRE
HONGKONG, Ordinance No. 44 of 1902, as amended, 4 ... 149
DENMARK, Law of April 18, 1925, Sec. VIII 215
GREECE, Law of Sept. 13, 1926, confirmed by the Decree of Aug. 12, 1927, Arts. 4, 5.. 319
HAITI, Law of Aug. 22, 1907, Arts. 17 (2), 21 330
HUNGARY, Law of Dec. 20, 1879, Art. 31 340
RUSSIA, Law of Dec. 15, 1921, I (b) 511
Decree No. 202, Oct. 29, 1924, 12, (b) 514
VATICAN CITY, Law of June 7, 1929, 6, 8 637
BIPARTITE TREATIES AND OTHER AGREEMENTS
Bulgaria—Greece, Convention signed at Neuilly, Nov. 27, 1919, Art. 5 691
Persia—Afghanistan, Treaty signed at Teheran, June 22, 1921, Additional Art. II 695

PAGE

Expatriation—*Continued*
Greece—Turkey, Convention signed at Lausanne, Jan. 30, 1923, Art. 7 696
Holy See—Italy, Treaty signed at Rome, Feb. 29, 1929... 708
Right of. Recognition under treaties,
MULTIPARTITE TREATIES AND OTHER AGREEMENTS
Convention signed at Rio de Janeiro, Aug. 13, 1906, Art. I 645
Treaty signed at Versailles, June 28, 1919, Allied and Associated Powers and Germany, Art. 278 646
Treaty signed at St. Germain-en-Laye, Sept. 10, 1919, Allied and Associated Powers and Austria, Art. 230 647
Treaty signed at Trianon, June 4, 1920, Allied and Associated Powers and Hungary, Art. 213 649
Treaty signed at Washington, Feb. 7, 1923, Costa Rica, Guatemala, Honduras, Nicaragua, Salvador 651
BIPARTITE TREATIES AND OTHER AGREEMENTS
North German Union—United States, Treaty signed at Berlin, Feb. 22, 1868, Art. I 660
Art. IV 661
Bavaria—United States, Treaty signed at Munich, May 26, 1868, Art. I 661
Art. IV 662
Protocol, I 662
Protocol, III 663
Grand Duchy of Baden—United States, Treaty signed at Carlsruhe, July 19, 1868, Art. I 663
Art. IV 664
United States—Kingdom of Württemberg, Treaty signed at Stuttgart, July 27, 1868, Arts. I, IV 665
Grand Duchy of Hesse—United States, Treaty signed at Darmstadt, Aug. 1, 1868, Arts. I, IV.. 666
Belgium—United States, Treaty signed at Brussels, Nov. 16, 1868, Arts. I, IV 667
Norway and Sweden—United States, Convention and Protocol signed at Stockholm, May 26, 1869, Art. I 667

PAGE
Art. IV 668
Protocol, I 668
Great Britain—United States, Convention signed at London, May 13, 1870, Arts. I, II 669
Art. III 670
Austro-Hungarian Empire—United States, Convention signed at Vienna, Sept. 20, 1870, Art. I 670
Art. IV 671
Denmark—United States, Convention signed at Copenhagen, July 20, 1872, Art. I 673
Argentina—Sweden and Norway, Treaty signed at Vienna, July 17, 1885, Additional Article 676
Japan—Spain, Protocol to treaty signed at Madrid, Jan. 2, 1897, 7 680
Haiti—United States, Treaty signed at Washington, March 22, 1902, Art. I 681
Art. V 682
Great Britain—Haiti, Convention signed at Port-au-Prince, April 6, 1906, Arts. IV–VI 683
Peru—United States, Convention signed at Lima, Oct. 15, 1907, Art. I 683
Arts. III, V 684
Portugal—United States, Convention signed at Washington, May 7, 1908, Art. I... 684
Austria—Czechoslovakia, Treaty signed at Brunn, June 7, 1920, Art. III 692
Latvia—Lithuania, Convention signed at Riga, May 14, 1921, 1 to 3 694
Persia—Afghanistan, Treaty signed at Teheran, June 22, 1921, Additional Art. II 695
Bulgaria—United States, Treaty signed at Sofia, Nov. 23, 1923, Art. 1 (Conditional) 698
Bulgaria—Turkey, Protocol signed at Angora, Oct. 18, 1925 700
United States—Czechoslovakia, Treaty signed at Prague, July 16, 1928, Art. I (Conditional) 705
Holy See—Italy, Treaty signed at Rome, Feb. 29, 1929, Art. 9 708

PAGE

Expatriation—*Continued*
Subject of an enemy state, by being
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 7 (2) (e), (3), (4), (5) 65
AUSTRALIA, Act of 1920 to 1925, 12 (2) (e), (4) to (7) 92
Id. The First Schedule 7 (2) (e), (3) to (6) 101
BRITISH INDIA, Act No. 7 of Feb. 26, 1926, 8 (2) (e), (3) to (5) 134
CANADA, Act of 1914, 9 (e), (3) to (7) 79
NEWFOUNDLAND, Act of 1929, IV, 7 (2) (e), (3) to (6) 145
NEW ZEALAND, Act of 1928, First Schedule, 7 (2) (e), (3) to (6) 110
UNION OF SOUTH AFRICA, Act of 1926, 7 (2) (d), (3) to (7) 120
RUMANIA, Law of Feb. 23, 1924, Art. 41 502
Wife, through husband's acquisition of foreign nationality or loss of nationality. *See also* Wife, effect of loss of nationality by husband on the nationality of.
Conditional
ALBANIA, Civil Code, effective April 1, 1929, 16 7
AUSTRIA, Law No. 285, July 30, 1925, Par. 9 (2), (3) 19
Par. 10 (2) 20
BELGIUM, Law of May 15, 1922, 18 (3) 32
Id. Transitory Provisions 6 (6) 34
Law of Aug. 4, 1926, Art. 17 41
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 7 a 66
AUSTRALIA, Act of 1920 to 1925, 13 94
Id. 18 95
Id. First Schedule, 7 A... 102
BRITISH INDIA, Act No. 7 of Feb. 26, 1926, 9 (2) 135
CANADA, Act of 1914, 10..... 80
Id. 13 81
NEWFOUNDLAND, Consolidated Statutes, Third Series (1916) Ch. 78, 10 140
Act of 1929, IV 7 A (1), (2), (3) 146
NEW ZEALAND, Act of 1928, First Schedule, 7 A.... 110
Second Schedule, 10... 113
PALESTINE, Order of July 24, 1925, 11 154
Id. 12 (1) 155

PAGE

UNION OF SOUTH AFRICA, Act of 1926, 8 121
Id. 12 122
Act No. 40, Nov. 11, 1927, 2 128
CHINA, Law of Feb. 5, 1929, Art. 10, I 177
COSTA RICA, Law of May 13, 1889, Art. 7 187
EGYPT, Law No. 19, Feb. 27, 1929, Art. 15 228
FRANCE
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), Decree of Nov. 5, 1928, Art. 9 (4) 262
TUNIS, Law of Dec. 1923, Arts. 5, 7 295
GERMANY, Law of July 22, 1913, Sec. 18 309
ICELAND, Law of October 6, 1919, Arts. 5, 6 344
ITALY, Law of June 13, 1912, Art. 11 366
JAPAN, Law No. 66, March 1899, as revised, Arts. 21, 22 385
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 37 397
MEXICO, Law of May 28, 1886, Art. 2 (4) 429
NICARAGUA, Law of Oct. 3, 1894, Art. 2 452
PERSIA, Law of Sept. 7, 1929, Art. XIII 475
POLAND, Law of Jan. 20, 1920, Art. 13 481
SALVADOR, Law of April 3, 1900, Art. 2 (3) 518
SIAM, Law of April 10, 1913, 10 525
SWITZERLAND, Decree of June 25, 1903, Art. 9 558
Civil Code of Dec. 10, 1907, Art. 161, Par. 1 560
Unconditional
BOLIVIA, Civil Code of 1830, Art. 11 46
BRITISH EMPIRE
PALESTINE, Order of July 24, 1925, 6 153
CUBA, Civil Code of 1888 to 1889, Art. 22 194
DANZIG, Law of May 30, 1922, 17 211
DENMARK, Law of April 18, 1925, Secs. VI, VIII.... 215
FINLAND, Law of June 17, 1927, 2 239
GERMANY, Law of July 22, 1913, Sec. 29 311

PAGE

Expatriation—*Continued*
HUNGARY, Law of Dec. 20, 1879, Art. 26 340
Art. 32 341
ICELAND, Law of June 15, 1926, Art. 6 347
NETHERLANDS, Law of Dec. 12, 1892, as amended, Art. 5 442
Law of Feb. 10, 1910, as amended by Act of June 10, 1927, Art. 2 (1) 447
NORWAY, Law of Aug. 8, 1924, Sec. 9 455
RUMANIA, Law of Feb. 23, 1924, Art. 50 504
SPAIN, Civil Laws of 1889, Art 22 538
SWEDEN, Law No. 130, May 23, 1924, Art. 9 548
MULTIPARTITE TREATIES AND OTHER AGREEMENTS
Treaty signed at Versailles, June 28, 1919, Poland and the Principal Allied and Associated Powers, Art. 4 646
Treaty signed at St. Germain-en-Laye, Sept. 10, 1919, Principal Allied and Associated Powers and the Serb-Croat-Slovene State, Art. 4..... 647
Treaty signed at St. Germain-en-Laye, Sept. 10, 1919, Principal Allied and Associated Powers and Czechoslovakia, Art. 4 648
Treaty signed at Paris, Dec. 9, 1919, Principal Allied and Associated Powers and Rumania, Art. 4... 649
BIPARTITE TREATIES AND OTHER AGREEMENTS
Latvia—Lithuania, Convention signed at Riga, May 14, 1921, 6..... 695
Bulgaria—Turkey, Protocol signed at Angora, Oct. 18, 1925 700
Albania—Greece, Convention signed at Athens, Oct. 13, 1926, Art. II..... 702
Woman national, by marriage to alien
Conditional
ALBANIA, Civil Code, effective April 1, 1929, Art. 15... 7
AUSTRIA, Law No. 285, July 30, 1925, Par. 9, (1)..... 19
Par. 15 20
Par. 23 21

PAGE

BELGIUM, Law of May 15, 1922, Art. 18 (2)..... 32
CHINA, Law of Feb. 5, 1929, Art. 10, 1 177
COSTA RICA, Law of May 13, 1889, Art. 4 (5)..... 186
DANZIG, Law of May 30, 1922, 14 211
DOMINICAN REPUBLIC, Constitution of June 20, 1929, Art. 8 (4)..... 217
ECUADOR, Law of Oct. 18, 1921, as amended, Arts. 73, 74 224
EGYPT, Law No. 19, Feb. 27, 1929, Art. 14..... 228
Art. 19 229
FRANCE, Law of Aug. 10, 1927, Art. VIII..... 249
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), decree of Nov. 5, 1928, Art. 8..... 262
GREATER LEBANON, Order No. 15/S, Jan. 19, 1925, Art. 6..... 298
SYRIA, Order No. 16/S, Jan. 19, 1925, Art. 6..... 302
GERMANY, Law of July 22, 1913, Sec. 18..... 309
GREECE, Law No. 391, Oct. 29, 1856, Art. 25..... 317
GUATEMALA, Law of Feb. 21, 1894, Art. 1 322
Civil Code of 1926, Art. 151. 325
HEJAZ, Law of Sept. 24, 1926, 8 331
ITALY, Law of June 13, 1912, Art. 10..... 365
JAPAN, Law No. 66, March 1899, as revised, Art. 18 384
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 29..... 395
LATVIA, Law of June 2, 1927, VII..... 409
MEXICO, Law of May 28, 1886, Art. 2 (4)..... 429
MONACO, Civil Code of Nov. 6, 1913, 19..... 438
NICARAGUA, Constitution of Nov. 10, 1911, Art. 10 (2)..... 449
Law of Oct. 3, 1894, Arts. 1 (5), 2..... 452
PERSIA, Law of Sept. 7, 1929, Art. XII..... 475
PORTUGAL, Civil Code of 1867, Art. 22 (4)..... 492
RUMANIA, Law of Feb. 23, 1924, Arts. 36 (c), 38..... 502
SALVADOR, Law of April 3, 1900, Art. 2 (3)..... 518
SIAM, Law of April 10, 1913, 4 524

PAGE

Expatriation—*Continued*
- UNITED STATES, Law of Sept. 22, 1922, Sec. 2 608
- BIPARTITE TREATIES AND OTHER AGREEMENTS
  - Belgium—France, Convention signed at Paris, Sept. 12, 1928, Arts. I–VI 706
- Unconditional
  - BRITISH EMPIRE
    - GREAT BRITAIN, Act of 1914, as amended, 10 67
    - AUSTRALIA, Act of 1920 to 1925, 18 95
    - CANADA, Act of 1914, 13 81
    - NEWFOUNDLAND, Consolidated Statutes, Third Series (1916), Ch. 78, 10 140
    - NEW ZEALAND, Act of 1928, Second Schedule, 10 113
    - PALESTINE, Order of July 24, 1925, 6 153
      Id. 12 (1) 155
    - UNION OF SOUTH AFRICA, Act of 1926, 12 122
      Act No. 40, Nov. 11, 1927, 2 128
  - CUBA, Civil Code of 1888 to 1889, Art. 22 194
    Law of July 1, 1929, Art. I... 199
  - GERMANY, Law of July 22, 1913, Sec. 17 (6) 309
  - HAITI, Law of Aug. 22, 1907, Art. 9 328
  - HUNGARY, Law of Dec. 20, 1879, Art. 34 341
  - ICELAND, Law of Oct. 6, 1919, Art. 3 344
  - IRAQ, Law of Oct. 9, 1924, as amended, Art. 17 351
  - LATVIA, Law of Aug. 23, 1919, 7 406
    Law of June 2, 1927, VII 409
  - LIBERIA, Law of Feb. 8, 1922, Sec. 71 414
  - LUXEMBURG, Civil Code of 1807, 19 420
  - NETHERLANDS, Law of Dec. 12, 1892, as amended, Art. 7 (2) 443
    Law of Feb. 10, 1910, as amended by Act of June 10, 1927, Art. 2 (2) 447
  - PERU, Civil Code of 1852, Art. 41 478
  - SPAIN, Royal Decree of Nov. 17, 1852, Art. 1 (5) 530
    Law of July 4, 1870, Art. 1, 6 531
    Civil Laws of 1889, Art. 22... 538
  - SWITZERLAND, Constitution of May 29, 1874, as amended, Art. 54, Par. 4 557

PAGE

    Civil Code of Dec. 10, 1907, Art. 161, Par. 1 560
  - TURKEY, Law of Jan. 19, 1869, Art. 7 569
    Law of May 28, 1928, Art. 13 571
  - VENEZUELA, Civil Code of July 13, 1922, Art. XXII 641

Expulsion, provisions regarding. *See* Deportation or expulsion, provisions regarding.
- *See also* Compulsory departure from the country.

Extradition
- BIPARTITE TREATIES AND OTHER AGREEMENTS
  - North German Union—United States, Treaty signed at Berlin, Feb. 22, 1868, Art. II 661
  - Bavaria—United States, Treaty signed at Munich, May 26, 1868, Art. III 661
  - Grand Duchy of Baden—United States, Treaty signed at Carlsruhe, July 19, 1868, Art. III 664
  - United States—Kingdom of Württemberg, Treaty signed at Stuttgart, July 27, 1868, Art. III 665
  - Grand Duchy of Hesse—United States, Treaty signed at Darmstadt, Aug. 1, 1868, Art. III 666
  - Austro-Hungarian Empire—United States, Convention signed at Vienna, Sept. 20, 1870, Art. III 671

Finland 237

Forfeiture or suspension of nationality because of bad character, disloyalty, fraud, misrepresentation or other causes. *See also* Denial of naturalization because of bad character, disloyalty, fraud, misrepresentation or other causes.
- BELGIUM, Law of May 15, 1922, Transitory Provisions, 6 (1) to (5) 34
  Law of August 4, 1926, Art. 11 .. 40
- BRAZIL, Constitution of 1891, Art. 71, Par. 1 49
- BRITISH EMPIRE
  - GREAT BRITAIN, Act of 1914, as amended, 7 (1), (2) (a), (b), (c), (3) to (5) 64
    Id. 7 a (3) 66
  - AUSTRALIA, Act of 1920 to 1925, 12 (1), 2 (a) to (c), (4) to (7) 92
    Id. The First Schedule, 7 (1), 2 (a) to (c) 100

PAGE

Forfeiture or suspension—*Continued*
BRITISH INDIA, Act No. 7 of February 26, 1926, 8 (1), 2 (a) to (c), (4), (5) 133
Id. 9 (1) 135
CANADA, Act of 1914, 9 (1), 2 (a) to (c), (3) to (7) 78
HONGKONG, Ordinance No. 44 of 1902, as amended, 7 149
Id. 10 (2) 150
NEWFOUNDLAND, Consolidated Statutes, Third Series (1916). Ch. 78, 7 139
Act of 1929, IV, 7 (1), (2) (a) to (c), (e), (3) to (6) 145
NEW ZEALAND, Act of 1928, First Schedule 7 (1), (2) (a) to (c), (e), (3) to (6) 109
PALESTINE, Order of July 24, 1925, 10 154
UNION OF SOUTH AFRICA, Act of 1926, 7 (1), (a), (b), (3) to (7) 119
CHILE, Constitution of Sept. 18, 1925, Art. 6 (2), (3) 171
COSTA RICA, Law of May 13, 1889, Art. 9 187
CZECHOSLOVAKIA, Law No. 152, July 1, 1926, Sec. 7 208
ECUADOR, Constitution of March 26, 1929, Art. 10, 3rd 222
EGYPT, Law No. 19, Feb. 27, 1929, Art. 10 227
FRANCE, Law of Aug. 10, 1927, Art. IX (5) 249
Art. X 250
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), Decree of Nov. 5, 1928, Art. 9 (5) ... 262
Art. 10 263
HAITI, Law of Aug. 22, 1907, Art. 17 (4), (5) 330
HONDURAS, Law No. 31, Feb. 4, 1926, Art. 15 336
ITALY, Law No. 15, Jan. 10, 1926, Sole Article 373
Law No. 108, Jan. 31, 1926, Sole Article 374
JUGOSLAVIA, Law of Sept. 21, 1928, Arts. 33, 34 396
LATVIA, Law of June 2, 1927, VIII 409
LIBERIA, Law of Jan. 6, 1908, Sec. 2 411
MEXICO, Constitution of 1917, Art. 37 (3) 427
Law of May 28, 1886, Art. 22 432
PANAMA, Constitution of Feb. 13, 1904, Art. 7 (3), (4) 458
Law of Aug. 22, 1916, effective July 1, 1917, Art. 136 (3), (4) 462
PERSIA, Law of Sept. 7, 1929, Art. VI 474

PAGE

POLAND, Order of June 7, 1920, Art. 16 486
PORTUGAL, Civil Code of 1867, Art. 22 (3) 492
RUMANIA, Law of Feb. 23, 1924, Arts. 36 (e), 41 502
Art. 43 503
RUSSIA, Law of Dec. 15, 1921, 1 (c) to (e) 511
Decree No. 202, Oct. 29, 1924, 12 514
Law No. 581, Nov. 13, 1925, 1 ... 514
Id. 3 515
SALVADOR, Law of April 3, 1900, Art. 14 520
SWITZERLAND, Decree of June 25, 1903, Art. 12 559
TURKEY, Law No. 1041, May 23, 1927, Art. 1 569
Law of May 28, 1928, Arts. 10, 11 571
UNITED STATES, Law of March 3, 1865 577
Law of June 29, 1906, as amended, Sec. 15 593
Law of March 2, 1907, Sec. 2 .. 600
Law of August 22, 1912 604
PHILIPPINE ISLANDS, Act of March 26, 1920, Sec. 14 ... 621

Foundlings, nationality of. *See also* Illegitimate or natural child, nationality of; Legitimated or legitimized child, nationality of; Recognized or acknowledged child, nationality of.
ALBANIA, Civil Code, effective April 1, 1929, Art. 4 5
AUSTRIA, Law No. 285, July 30, 1925, Par. 14 20
BELGIUM
BELGIAN CONGO, Civil Code of 1892, Ch. I, 4 42
DANZIG, Law of May 30, 1922, 1 ... 209
DENMARK, Law of April 18, 1925, Sec. I 214
EGYPT, Law No. 19, Feb. 27, 1929, Art. 6 (3) 227
ESTONIA, Law No. 87, Oct. 27, 1922, 2 (8) 231
HUNGARY, Law of Dec. 20, 1879, Art. 19 339
ITALY, Law of June 13, 1912, Art. 1 (3) 363
Law No. 1013, June 26, 1927, (Libyan), Art. 29 379
JUGOSLAVIA, Law of Sept. 21, 1928 Art. 9 391
Art. 53 (10) 400
LATVIA, Law of June 2, 1927, VII, Observation 2 409
NETHERLANDS, Law of Dec. 12, 1892, as amended, Art. 2 (b) 441
NORWAY, Law of Aug. 8, 1924, Sec. 2 454

PAGE

Foundlings, nationality of—*Continued*
POLAND, Law of Jan. 20, 1920, Art. 5 480
SWEDEN, Law No. 130, May 23, 1924, Art. 1 545

France 241

Fraud
Denial of nationality because of. *See* Denial of naturalization because of bad character, disloyalty, fraud, misrepresentation or other causes.
Forfeiture of nationality because of. *See* Forfeiture or suspension of nationality because of bad character, disloyalty, fraud, misrepresentation or other causes.

French Colonies other than Guadeloupe, Martinique, and Réunion 257

French Indo-China 275

Germany 304

Great Britain and Northern Ireland .. 59

Greater Lebanon 298

Greece 314

Guam
United States of America, Editors' Note 574

Guanacaste
Costa Rican Constitution of Feb. 21, 1901, Art. 5 (4) 184
Costa Rican Law of May 13, 1889, Art. 1 (5) 186

Guatemala 321

Haiti 326

Hawaii
United States, Constitution of the Republic of Hawaii of July 4, 1894 579
Law of April 30, 1900 579

"Heimatrecht" or right of settlement
AUSTRIA, Law of Dec. 5, 1896 15
Law No. 285, July 30, 1925, Par. 11 (3) 20
Law No. 272, July 30, 1925, Par. 1 17
Law No. 286, July 30, 1925, Paragraphs 1–7 22
Law of Dec. 20, 1928, Arts. 1–4 .. 25
Art. V (1) to (3), (5) 26
CZECHOSLOVAKIA, Constitutional Law No. 236, April 9, 1920, 13 to 15, 17, 18 204

PAGE

ITALY, Law No. 43, Jan. 29, 1922, Arts. 4, 5 370
MULTIPARTITE TREATY
Treaty signed at St. Germain-en-Laye, Sept. 10, 1919, Principal Allied and Associated Powers and the Serb-Croat-Slovene State, Art. 4 647

Hejaz 331

Honduras 332

Hongkong 149

Hungary 337

Husband
Death of, effect of, on nationality of wife. *See* Death of husband, effect of, on nationality of wife.
Expatriation of wife through acquisition of foreign nationality by. *See* Expatriation, wife, through husband's acquisition of foreign nationality, or loss of nationality.
See also Wife, effect of loss of nationality by husband on the nationality of, not involving expatriation.
Loss of nationality by, effect of, on nationality of wife. *See* Wife, effect of loss of nationality by husband on the nationality of, not involving expatriation.
See also Expatriation, wife, through husband's acquisition of foreign nationality, or loss of nationality.
Naturalization of, effect of, on nationality of wife. *See* Naturalization, husband, effect of, on nationality of wife.
See also Naturalization, wife, through acquisition of nationality by husband.

Iceland 344

Illegitimate or natural child, nationality of. *See also* Legitimated or legitimized child, nationality of; Recognized or acknowledged child, nationality of.
AUSTRIA, Law No. 285, July 30, 1925, Par. 8 (2) 19
Par. 15 20
BRAZIL, Constitution of 1891, Art. 69 (2) 48
Decree No. 904 of Nov. 12, 1902, Art. 1, Par. 2 50

PAGE

Illegitimate or natural child—*Continued*
Regulations pertaining to Decree No. 6948 of May 14, 1908, Art. 1, Par. 2 54
BRITISH EMPIRE
SOUTHWEST AFRICA, MANDATED TERRITORY OF, Act No. 27, June 7, 1928, 1, (c), (ii) ... 159
COSTA RICA, Law of May 13, 1889, Art. 1 (2) 186
CZECHOSLOVAKIA, Constitution of Feb. 29, 1920, 5 202
Law No. 152, July 1, 1926, Sec. 2 (1) 206
DANZIG, Law of May 30, 1922, 1 .. 209
DENMARK, Law of April 18, 1925, Secs. I, II 214
Sec. IV 215
EGYPT, Law No. 19, Feb. 27, 1929, Art. 6 (2) 226
ESTONIA, Law No. 87, Oct. 27, 1922, 2 (4), (7) 232
FINLAND, Law of June 17, 1927, 2. 239
FRANCE, Law of Aug. 10, 1927, Art. I (6) 245
Art. II (2) 246
Art. XI 250
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), Decree of Nov. 5, 1928, Art. 2, 4 to 7 .. 258
GERMANY, Law of July 22, 1913, Sec. 4 306
GREECE, Law No. 391, Oct. 29, 1856, Art. 14 (b) 315
GUATEMALA, Constitution of 1879, as revised, Art. 5 (2) 321
HAITI, Law of Aug. 22, 1907, Art. 2 (2), (3) 328
HUNGARY, Law of Dec. 20, 1879, Arts. 2, 3 337
ICELAND, Law of Oct. 6, 1919, Arts. 1, 3, 4, 6, 7 344
Art. 10 345
Law of June 15, 1926, Arts. 1–4... 346
Art. 6 347
JUGOSLAVIA, Law of Sept. 21, 1928, Arts. 6, 7 (b) 390
Art. 30 395
Art. 42 397
Art. 53 (9) (a), (c) 399
LITHUANIA, Law of Jan. 9, 1919, 1 (f) 417
NETHERLANDS, Law of Dec. 12, 1892, as amended, Art. 1 (d) 441
Art. 6 442
NORWAY, Law of Aug. 8, 1924, Sec. 1 453
Sec. 3 454
Sec. 7 455
Sec. 10 456

PAGE

POLAND, Law of Jan. 20, 1920, Art. 5 480
PORTUGAL, Civil Code of 1867, Art. 18 (1), (3) 490
RUMANIA, Law of Feb. 23, 1924, Art. 2 (b) 497
SALVADOR, Constitution of Aug. 13, 1886, Art. 42 516
SWEDEN, Law No. 130, May 23, 1924, Art. 3 546
Art. 7 548
SWITZERLAND, Civil Code of Dec. 10, 1907, Art. 324, par. 1 560
TURKEY, Law of May 28, 1928, Art. 2 (c) 570

India 131

Indo-China, French. *See* French Indo-China.

Iraq 348

Ireland, Northern. *See* Great Britain and Northern Ireland.

Irish Free State 130

Italy 361

Japan 381

Jugoslavia 389

"Jure sanguinis," election of nationality. *See* Election of nationality, *jure sanguinis* or *jure soli.*

"Jure soli," election of nationality. *See* Election of nationality, *jure sanguinis* or *jure soli.*

"Jus sanguinis." *See* Birth, acquisition of nationality at; Election of nationality, *jure sanguinis* or *jure soli.*

"Jus soli." *See* Birth, acquisition of nationality at; Election of nationality *jure sanguinis* or *jure soli.*

Latvia 405

Law, particular, governing nationality. *See also* Dispute or doubt regarding nationality, settlement of; Power to enact nationality laws, provisions regarding.

AUSTRIA, Law No. 285, July 30, 1925, Par. 1 17
Par. 17 (1) to (3) 20
BELGIUM, Constitution of Feb. 7, 1831, Art. 4 28
BRAZIL, Constitution of 1891, Art. 71, Par. 3 49

PAGE

Law governing nationality—*Continued*
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 19 (3) 70
SOUTHWEST AFRICA, MANDATED TERRITORY OF, Act No. 30, of 1924, 1 158
CZECHOSLOVAKIA, Constitutional Law No. 236, April 9, 1920, 3 .. 201
EGYPT, Law No. 19, Feb. 27, 1929, Art. 19 229
GERMANY, Constitution of Aug. 11, 1919, Art. 110 306
Law of July 22, 1913, Sec. 40 313
LUXEMBURG, Constitution of Oct. 17, 1868, Art. 9 419
POLAND, Constitution of March 17, 1921, Art. 88 479
SWITZERLAND, Constitution of May 29, 1874, as amended, Art. 44 556
UNITED STATES, Law of April 30, 1900, Sec. 5 580
PHILIPPINE ISLANDS, Act of March 26, 1920, Sec. 1 618
MULTIPARTITE TREATIES AND OTHER AGREEMENTS
Convention signed at Rome, April 6, 1922, Arts. 1, 4 650
Treaty signed at Habana, Feb. 20, 1928, Arts. 1, 2 651
Annex to Treaty signed at Habana, Feb. 20, 1928, Arts. 6–26 653
BIPARTITE TREATIES AND OTHER AGREEMENTS
Salvador—Spain, Exchange of Notes, June 15, 1866 659
Salvador—Spain, Treaty signed at San Salvador, March 2, 1885, Art. I 675
Argentina—Sweden and Norway, Treaty signed at Vienna, July 17, 1885, Additional Article 676
Germany—Guatemala, Treaty signed at Guatemala, Sept. 20, 1887, Art. X (1) 676
Bolivia—Italy, Treaty signed at Lima, Oct. 18, 1890, Art. 4 (a) 678
Colombia—Spain, Treaty signed at Bogota, April 28, 1894 ... 679
Belgium—Bolivia, Treaty signed at La Paz, April 18, 1912, V. 685
Italy—Nicaragua, Convention signed at Managua, Sept. 20, 1917, Art. I 686
Austria—Czechoslovakia, Treaty signed at Brunn, June 7, 1920, III 692
Latvia—Lithuania, Convention signed at Riga, May 14, 1921, 1, 2 694

PAGE

Persia — Afghanistan, Treaty signed at Teheran, June 22, 1921, Additional Art. II 695
Additional Art. III 696
Bolivia—Germany, Declaration signed at La Paz, March 12, 1924, Art. 3 699

Lebanon. *See* Greater Lebanon.

Legitimated or legitimized child, nationality of. *See also* Illegitimate or natural child, Nationality of; Recognized or acknowledged child, nationality of.
BELGIUM, Law of May 15, 1922, Art. 3 29
CZECHOSLOVAKIA, Law No. 152, July 1, 1926, Sec. 2, 1 206
DANZIG, Law of May 30, 1922, 3 .. 209
Id. 7 210
Id. 13 211
ESTONIA, Law No. 87, Oct. 27, 1922, 2 (6) 232
FRANCE, Law of Aug. 10, 1927, Art. I (4) 245
Art. VII 248
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), decree of Nov. 5, 1928, Art. 2, (4) to (6) 258
GERMANY, Law of July 22, 1913, Sec. 3 (2) 306
Sec. 5 306
Sec. 17 (5) 309
HUNGARY, Law of Dec. 20, 1879, Arts. 2, 4 337
Art. 33 341
JUGOSLAVIA, Law of Sept. 21, 1928, Arts. 6, 8 390
Art. 53 (9), (d) 400
LATVIA, Law of Aug. 23, 1919, 7 .. 406
Law of June 2, 1927, VII 409
NETHERLANDS, Law of Dec. 12, 1892, as amended, Arts 1 (a), 2 (b) 441
Art. 6 442
Art. 10 444
POLAND, Law of Jan. 20, 1920, Art. 6 480
RUMANIA, Law of Feb. 23, 1924, Art. 2 497
Art. 36 (b) 501
BIPARTITE CONVENTIONS
Italy—Nicaragua, Convention signed at Managua, Sept. 20, 1917, Art. IX 687
Latvia—Lithuania, Convention signed at Riga, May 14, 1921, 6 695

Liberia 410

PAGE

Lithuania 416

Local citizenship, provisions regarding. *See also* "Vecindad."
ARGENTINA, Constitution of 1860, Art. 8 10
AUSTRIA, Law No. 285 of July 30, 1925, Par. 2 17
Par. 3 (2) 18
Par. 4 (5) 19
Par. 7 19
Par. 13 20
Par. 15 20
Par. 18 21
Par. 22 21
GERMANY, Constitution of Aug. 11, 1919, Art. 110 306
Law of July 22, 1913, Secs. 3 (4), 7 306
Sec. 16 308
Secs. 20, 21 309
Sec. 35 312
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 4 390
RUSSIA, Decree No. 202, Oct. 29, 1924, I 511
SPAIN, Constitution of June 30, 1876, Art. I (4) 526
Law III, Title XI, Book VI, Don Philip V, March 8, 1716 528
Order of Aug. 14, 1841, 3 529
Decree of Nov. 17, 1852, Art. 2. 530
Law of July 4, 1870, Art. 2 531
Civil Laws of 1889, Art. 17 (4) 537
Art. 25 538
Decree of Nov. 6, 1916, Arts. 1–12 540
SWITZERLAND, Constitution of May 29, 1874, as amended, Art. 43, Par. 1 556
UNITED STATES, Constitution of 1789, Art. 14 of the Amendments, Sec. 1 576

Loss of Nationality. *See* Expatriation.
See also Forfeiture of nationality because of bad character, disloyalty, fraud, misrepresentation or other causes.
Husband. Effect of, on nationality of wife, not involving expatriation. *See* Wife, effect of loss of nationality by husband on the nationality of wife not involving expatriation.
See also Expatriation, wife, through husband's acquisition of foreign nationality or loss of nationality.

PAGE

Parent, effect of, on nationality of a child, not involving expatriation. *See* Child, loss of nationality by parent, effect of, on the nationality of, not involving expatriation.
See also Expatriation, minor, through naturalization abroad of, or loss of nationality by, a parent, or marriage of mother to an alien.
Penalties accompanying. *See* Penalties for naturalization in, or entering the service of, a foreign country, or accompanying loss of nationality.
See also Property, naturalization abroad or loss of nationality, effect of, on rights of
Property, on rights of, effect of. *See* Property, naturalization abroad or loss of nationality, effect of, on rights of.

Luxemburg 419

Madagascar 281

Maramures
Rumanian law of Feb. 23, 1924, Art. 56 505

Marriage
Alien woman to national, effect of, on her nationality. *See also* Naturalization, woman, through marriage.
UNITED STATES, Law of Sept. 22, 1922, Sec. 2 608
URUGUAY, Decree of Jan. 21, 1921, Preamble 628
Dissolution of, effect of, on nationality of wife. *See also* Death of husband, effect of, on nationality of wife; Recovery of nationality, marriage of a woman national to an alien or naturalization of her husband abroad, lost through.
ALBANIA, Civil Code, effective April 1, 1929, Arts. 14, 15 7
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 11 68
AUSTRALIA, Act of 1920 to 1925, 19 95
CANADA, Act of 1914, 14 81
NEWFOUNDLAND, Consolidated Statutes, Third Series (1916), Ch. 78, 11 140
NEW ZEALAND, Act of 1928, Second Schedule 11 113

PAGE

Marriage—*Continued*
PALESTINE, Order of July 24, 1925, 13 155
UNION OF SOUTH AFRICA, Act of 1926, 13 122
Act No. 40, Nov. 11, 1927, 3 128
DOMINICAN REPUBLIC, Law No. 1227, Dec. 4, 1929, Art. 2, Par. 3 219
EGYPT, Law No. 19, Feb. 27, 1929, Art. 14 228
HUNGARY, Law of Dec. 20, 1879, Art. 35 341
ITALY, Law of May 12, 1927, Art. 10 378
JAPAN, Law No. 66 of March 1899, Art. 19 384
Art. 24 385
JUGOSLAVIA, Law of Sept. 21, 1928, Arts. 43, 44 398
LIBERIA, Law of Feb. 8, 1922, Sec. 70 414
NETHERLANDS, Law of Dec. 12, 1892, as amended, Art. 10 444
NORWAY, Law of Aug. 8, 1924, Sec. 6 455
PERSIA, Law of Sept. 7, 1929, Art. XI 475
RUMANIA, Law of Feb. 23, 1924, Art. 40 502
UNITED STATES, Law of March 2, 1907, Secs. 3, 4 601
Law of Sept. 22, 1922, Sec. 3 ... 608
VATICAN CITY, Law of June 7, 1929, 4 (a) 636
Effect of, on nationality. *See also* Marriage.
RUSSIA, Decree No. 202, Oct. 29, 1924, 5 512
Mother to an alien, expatriation of minor through. *See* Expatriation, minor, through naturalization abroad of, or loss of nationality by a parent, or marriage of mother to an alien.
Naturalization of a man, through. *See* Naturalization, man, through marriage.
Naturalization of a woman through. *See* Naturalization, woman, through marriage.
Property, effect of marriage on rights of. *See* Property, marriage, effect of, on rights of.
See also Property, naturalization abroad or loss of nationality, effect of, on rights of.
Recovery of nationality lost through, of a woman national to an alien or naturalization of her husband abroad. *See* Recovery of nationality, marriage of a woman national to an alien or naturalization of her husband abroad, lost through.
See also Marriage, dissolution of, effect of, on nationality of wife.
Woman national to alien, effect of, on her nationality. *See* Expatriation, woman national, by marriage to alien.
See also Wife, effect of loss of nationality by husband on the nationality of.

Married women, election of nationality by. *See* Election of nationality, married women, divorcees or widows, by.

Mexico 426

Military or other obligations, liability in country of origin or naturalization. *See also* Expatriation, military or other public service, by entering the, or accepting titles or decorations of, a foreign country; Expatriation, military service, by non-performance of; Military or other obligations or rights under treaties.
ARGENTINA, Constitution of 1860, Art. 21 10
BRAZIL, Decree No. 904, Nov. 12, 1902, Art. 3 51
Regulations pertaining to Decree No. 6948, May 14, 1908, Art. 3 55
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 16 69
AUSTRALIA, Act of 1920 to 1925, 24 96
CANADA, Act of 1914, 19 82
NEWFOUNDLAND, Consolidated Statutes, Third Series (1916) Ch. 78, 16 141
NEW ZEALAND, Act of 1928, Second Schedule 16 114
PALESTINE, Order of July 24, 1925, 17 156
UNION OF SOUTH AFRICA, Act of 1926, 18 123
BULGARIA, Law of Dec. 31, 1903, as amended, Art. 17 (1) 166
COLOMBIA, Constitution of 1886, Art. 13 180
ECUADOR, Law of Oct. 18, 1921, as amended, Arts. 78, 79 224
FRANCE
TUNIS, Law of Dec. 20, 1923, Art. 13 295
GUATEMALA, Law of Feb. 21, 1894, Art. 8 323

PAGE

Military or other obligations—*Continued*
HAITI, Law of Aug. 22, 1907, Art. 19 330
HONDURAS, Law No. 31, of Feb. 4, 1926, Arts. 6, 7 335
IRAQ, Law of Oct. 9, 1924, as amended, Art. 16 350
ITALY, Law of June 13, 1912, Art. 8. 364
Law of Sept. 10, 1922, Art. III .. 371
Law No. 1854, Oct. 15, 1925, Art. 2 373
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 35 396
Law of Sept. 6, 1929, Art. 42 402
Art. 45 403
Arts. 52, 333 404
LUXEMBURG, Law of Nov. 12, 1848, I 421
Law of Dec. 12, 1859, 2 423
MEXICO, Law of May 28, 1886, Arts. 7, 8 430
RUSSIA, Decree No. 202, Oct. 29, 1924, II 514
SALVADOR, Law of April 3, 1900, Arts. 7, 8 519
SWITZERLAND, Instruction of Feb. 1923, Art. 8 564
URUGUAY, Law of Feb. 1, 1928, Art. 2 629
VENEZUELA, Law of July 13, 1928, Art. 9 642

Military or other obligations or rights under treaties. *See also* Military or other obligations, liability in country of origin or naturalization.
UNITED STATES
VIRGIN ISLANDS, Treaty between the United States and Denmark, Aug. 4, 1916, Art. 6 .. 625
MULTIPARTITE TREATIES AND OTHER AGREEMENTS
Treaty signed at Washington, Feb. 7, 1923, Costa Rica, Guatemala, Honduras, Nicaragua, Salvador, Art. VI 651
Annex to Convention signed at Habana, Feb. 20, 1928, Arts. 1–5 653
BIPARTITE TREATIES AND OTHER AGREEMENTS
Great Britain—Guatemala, Agreement, Jan.–April, 1859 656
North German Union—United States, Treaty signed at Berlin, Feb. 22, 1868, Art. II ... 661
Bavaria—United States, Treaty signed at Munich, May 26, 1868, Art. II 661
Protocol, II 662

PAGE

Grand Duchy of Baden—United States, Treaty signed at Carlsruhe, July 19, 1868, Art. II 664
United States—Kingdom of Württemberg, Treaty signed at Stuttgart, July 27, 1868, Art. II 665
Grand Duchy of Hesse—United States, Treaty signed at Darmstadt, Aug. 1, 1868, Art. II 666
Belgium—United States, Treaty signed at Brussels, Nov. 16, 1868, Art. II 667
Norway, Sweden—United States, Convention and Protocol signed at Stockholm, May 26, 1869, Art. II and Protocol, II 668
Austro-Hungarian Empire — United States, Convention signed at Vienna, Sept. 20, 1870, Art. II 670
France—Switzerland, Convention signed at Paris, July 23, 1879, Art. III 675
Germany—Guatemala, Treaty signed at Guatemala, Sept. 20, 1887, Art. X (3), (4) 676
France—Spain, Declaration signed at Madrid, May 12, 1892 ... 678
Germany—Nicaragua, Treaty signed at Managua, Feb. 4, 1896, Art. X, Sec. 3 679
Portugal—Spain, Exchange of Notes, April 24 and July 29, 1897 680
Haiti—United States, Treaty signed at Washington, March 22, 1902, Art. IV 682
Germany—Netherlands, Treaty signed at The Hague, Dec. 17, 1904, III 682
Great Britain—Haiti, Convention signed at Port-au-Prince, April 6, 1906, Art. III 683
Peru—United States, Convention signed at Lima, Oct. 15, 1907, Art. IV 684
Portugal—United States, Convention signed at Washington, May 7, 1908, Art. II ... 684
Germany—Switzerland, Treaty signed at Berne, Nov. 13, 1909, Arts. 3, 4 685
Belgium—Bolivia, Treaty signed at La Paz, April 18, 1912, VI 686
Italy—Nicaragua, Convention signed at Managua, Sept. 20, 1917, Arts. VI–IX 687
France—Monaco, Declaration signed at Paris, Oct. 7, 1919, (Par. 2) 690

PAGE

Military or other obligations—*Continued*
Bulgaria—United States, Treaty signed at Sofia, Nov. 23, 1923, Art. II 699
Albania—Greece, Convention signed at Athens, Oct. 13, 1926. Arts. VI, VII 703
Denmark—Germany, Announcement issued at Berlin, Dec. 8, 1926 704
Argentina—France, Convention signed at Paris, Jan. 26, 1927, Arts. 1, 2 704
Czechoslovakia—United States, Treaty signed at Prague, July 16, 1928, Art. II 705
Belgium—France, Convention signed at Paris, Sept. 12, 1928, Arts. I–VIII 707

Military service, expatriation by
Entering foreign. *See* Expatriation, military or other public service, by entering the, or accepting titles or decorations of, a foreign country.
See also Military or other obligations, liability in country of origin or naturalization; Military or other obligations or rights under treaties.
Non-performance of. *See* Expatriation, military service, by non-performance of.
See also Military or other obligations, liability in country of origin or naturalization; Military or other obligations or rights under treaties.

Minor
Expatriation of, through naturalization abroad of, or loss of nationality by, a parent, or marriage of mother to an alien. *See* Expatriation, minor, through naturalization abroad of, or loss of nationality by, a parent or marriage of mother to an alien.
See also Child, loss of nationality by parent, effect of, on the nationality of, not involving expatriation.
Naturalization of, through acquisition of nationality by a parent. *See* Naturalization, minor, through acquisition of nationality by a parent.
See also Naturalization, major child, through acquisition of nationality by a parent.
Recovery of nationality lost by. *See* Recovery of nationality, minority, lost during.

PAGE

Misrepresentation
Denial of naturalization because of. *See* Denial of naturalization because of bad character, disloyalty, fraud, misrepresentation or other causes.
Forfeiture or suspension of nationality because of. *See* Forfeiture or suspension of nationality because of bad character, disloyalty, fraud, misrepresentation or other causes.

Monaco 436

Morocco 288

Nationality. *See* Birth, acquisition of nationality at; Election of nationality; Expatriation; Loss of nationality; Naturalization; Recovery of nationality.

Nationality and naturalization
Administrative provisions, evidence and procedure regarding. *See also* Naturalization, direct, upon application of person naturalized.
ALBANIA, Civil Code, effective April 1, 1929, Arts. 18, 20 .. 8
ARGENTINA, Law No. 346, Oct. 8, 1869, Art. 11 12
AUSTRIA, Federal Law No. 285, July 30, 1925, Paragraphs 19–21 21
BELGIUM, Law of May 15, 1922, Arts. 22, 23 33
Transitory Provisions, 2 ... 33
Instructions of July 31, 1923. 35
Law of Aug. 4, 1926, Arts. 19, 20 41
BELGIAN CONGO, Order of March, 1901, 1 to 5 43
BRAZIL, Decree No. 904, Nov. 12, 1902, Arts. 7–12 51
Art. 14 52
Art. 15 53
Decree No. 1805, Dec. 12, 1907, Arts. 1, 3, 4 53
Art. 6 54
Decree No. 6948, May 14, 1908 54
Regulations pertaining to Decree No. 6948 of May 14, 1908, Arts. 4, 6–8 55
Arts. 10–22 56
Decree No. 2004, Nov. 26, 1908, Arts. 1–3 58

PAGE

Nationality, naturalization—*Continued*
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 1 (4) 63
Id. 6 64
Id. 7 (5) 66
Id. 19–22 69
Id. 24 71
Id. 27 (2) 71
Id. First Schedule 72
Id. Second Schedule 72
AUSTRALIA, Act of 1920–1925, 5 (2) 89
Id. 12 (7) 94
Id. 14 94
Id. 17 95
Id. 25–34 96
Id. 36 99
Id. The Second Schedule .. 103
Id. The Third Schedule ... 103
BRITISH INDIA, Act No. 7, Feb. 26, 1926, 4 132
Id. 5 (1), (3) 132
Id. 6, 7 133
Id. 8 (7) 135
Id. 14 136
CANADA, Act of 1914, 3 (4) 76
Id. 4 (3), (4), (6) 77
Id. 9 (6) 80
Id. 22–33 83
Id. First Schedule 85
Id. Second Schedule 85
Act of 1921, Schedule 86
HONGKONG, Ordinance No. 44 of 1902, 3 to 5 149
Id. 8, 10 150
NEWFOUNDLAND, Consolidated Statutes, Third Series (1916), Ch. 78, 19–22 141
Id. 24 142
Id. First Schedule 143
Id. Second Schedule 143
Act of 1929, I (3) 144
Id. IV, 7 (5) 146
NEW ZEALAND, Act of 1928, 9, 11 106
Id. First Schedule, 7 (5) ... 110
Id. Second Schedule 1 (4) .. 113
Id. Second Schedule 24 115
Id. Second Schedule, Second Schedule 115
PALESTINE, Order of July 24, 1925, 18 156
Id. Schedule 157
UNION OF SOUTH AFRICA, Act of 1926, 7 (6) 121
Id. 19–23 124
Id. 25–28 125
Act No. 40, Nov. 11, 1927, 6 129
SOUTHWEST AFRICA, MANDATED TERRITORY OF, Act No. 27, June 7, 1928, 2 160

PAGE

BULGARIA, Law of Dec. 31, 1903, as amended, Art. 10 164
Arts. 25–37 167
CHILE, Law No. 747, Dec. 15, 1925, Art. 1 171
Arts. 5–11 172
CHINA, Law of Feb. 5, 1929, Art. 7 176
COLOMBIA, Constitution of 1886, Art. 120, 19 181
Law 145 of Nov. 26, 1888, Arts. 18–22 182
COSTA RICA, Law of May 13, 1889, Art. 10 187
Law of June 29, 1909, concerning alienship and naturalization 189
CUBA, Civil Code of 1888 to 1889, Art. 19 193
Art. 25 194
Law of Dec. 15, 1902, 1–4 195
Law No. 859, Aug. 26, 1908, Arts. 1–11 197
CZECHOSLOVAKIA, Law No. 152, July 1, 1926,
Sec. 4 206
Sec. 5 207
DANZIG, Law of May 30, 1922, 23, 24 212
DOMINICAN REPUBLIC, Law No. 1227, Dec. 4, 1929, Arts. 5–7 219
ECUADOR, Law of Oct. 18, 1921, as amended, Arts. 62–70 .. 223
Art. 76 224
EGYPT, Law No. 19, Feb. 27, 1929, Arts. 20, 21, 23 229
Art. 26 230
ESTONIA, Law No. 87, Oct. 27, 1922, 4 232
Id. 12, 13 233
FINLAND, Law of Feb. 20, 1920, 3–7 238
Regulations of Feb. 20, 1920 ... 238
Law of June 17, 1927, 5, 7 240
FRANCE, Law of Aug. 10, 1927, Art. III 246
Art. V 247
Decree of Aug. 10, 1927 252
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), Decree of Nov. 5, 1928, Arts. 13–21 263
Art. 23 267
ALGERIA, Decree of 1870, re Mussulmans, Arts. 3, 4 ... 269
Law of March 25, 1915, Arts. 3, 4 271
Law of Feb. 4, 1919, Arts. 3–11 272

PAGE

Nationality, naturalization—*Continued*
FRENCH INDO-CHINA, Decree of May 26, 1913,
Arts. 2–4 276
Arts. 7, 8 277
Decree of Nov. 4, 1928, Arts. 3–6 279
MADAGASCAR, Decree of March 3, 1909, Arts. 2–6 281
Decree of Nov. 25, 1913, Art. 2 282
Decree of Nov. 7, 1916, Arts. 2–16 284
MOROCCO, Decree of April 29, 1920, Arts. 6–12 289
TUNIS, Law of Dec. 20, 1923, Arts. 9–11 295
Art. 14 297
GERMANY, Law of July 22, 1913, Sec. 23 310
Secs. 38, 40 313
GREECE, Decree of Aug. 21, 1911 318
Law of Sept. 10, 1925, Art. 3 .. 319
Law of Oct. 15, 1927, Art. 3 ... 320
GUATEMALA, Law of Feb. 21, 1894, Art. 5 323
Arts. 89, 90 324
HAITI, Law of Aug. 22, 1907, Art. 1 327
Art. 8 328
Art. 16 329
Art. 22 330
HONDURAS, Law No. 31, Feb. 4, 1926, Arts. 10, 11 335
Arts. 16, 17 336
HUNGARY, Law of Dec. 20, 1879, Arts. 9–16 338
Arts. 27–29 340
Arts. 43, 45, 46 342
Art. 49 343
IRAQ, Law of Oct. 9, 1924, as amended, Art. 20 351
Law of Feb. 25, 1925, Art. 6 .. 352
Regulations of Oct. 1, 1926, 1 to 8 352
10 to 23 354
Regulation of July 3, 1927, Art. 2 359
ITALY, Law of June 13, 1912, Arts. 13, 16 366
Art. 19 367
Decree No. 949, Aug. 2, 1912, Art. I 367
Arts. III–XI 368
Law No. 43, Jan. 29, 1922, Art. I 369
Arts. 3, 7, 8 370
Law of Sept. 10, 1922, Arts. II, IV 371
Decree No. 1781, Oct. 16, 1924, Art. I 372
Law No. 1378, March 13, 1927, Arts. 1, 2 375

PAGE

Law of May 12, 1927, Arts. 3, 5 376
Arts. 7, 8 377
Arts. 12–14 378
Law No. 1013, June 26, 1927 (Libyan), Art. 31 379
Art. 34 380
JAPAN, Law No. 66, March 1899, Art. 12 383
Regulations (Ordinance No. 26), Nov. 17, 1924, Arts. 1–8 .. 386
JUGOSLAVIA, Law of Sept. 21, 1928, Arts, 15–17 392
Art. 20 393
Art. 26 394
Art. 41 397
Arts. 48–52 398
Arts. 53 (10), 54 400
Art. 57 401
LATVIA, Law of Aug. 23, 1919, 6 406
Law of June 2, 1927, VI, X ... 409
LIBERIA, Law of Jan. 6, 1908, Secs. 3–6 411
Sec. 8 412
Law of Feb. 8, 1922, Sec. 75 ... 415
Circular of Aug. 5, 1924 415
LITHUANIA, Provisional Law of Jan. 9, 1919, 3 417
LUXEMBURG, Constitution of Oct. 17, 1868, Art. 10 419
Law of Nov. 12, 1848, as amended, 5 to 11 421
Law of Dec. 12, 1859, 4 423
MEXICO, Law of May 28, 1886, Arts. 12–16 431
Arts. 19, 20, 23 432
Art. 24 433
Temporary Provisions, Art. 2 435
NETHERLANDS, Law of Dec. 12, 1892, as amended, Art. 3 .. 441
Art. 3 bis 442
Art. 11 444
NICARAGUA, Law of Feb. 18, 1861, Arts. 3–5 450
PANAMA, Law of Aug. 22, 1916, effective July 1, 1917, Arts. 126–129 460
Arts. 131, 133, 134 461
Arts. 137, 138, 140 462
Arts. 167, 169–172 465
Arts. 173–176 466
PERSIA, Law of Sept. 7, 1929, Art. VIII 474
POLAND, Law of Jan. 20, 1920, Art. 12 481
Order of June 7, 1920, Arts. 7–17 483
Regulations of July 13, 1920, Arts. 1, 2 487
Arts. 4–8 487
Arts. 11–13 489

PAGE

Nationality, naturalization—*Continued*
PORTUGAL, Civil Code of 1867, Art. 18 (6) Secs. 1 and 2. 491
Art. 21 491
Decree of Dec. 2, 1910, Art. 1 492
Arts. 4, 5 493
RUMANIA, Law of Feb. 23, 1924, Arts. 11–28 498
Art. 47 503
Arts. 49, 52, 55 504
Art. 62 506
Arts. 64–68 506
Art. 70 508
Law of May 29, 1928 508
RUSSIA, Decree No. 202, Oct. 29, 1924, 9, 10 513
SALVADOR, Law of April 3, 1900, Arts. 15–19 520
SIAM, Law 130, May 18, 1911, 4, 5, 8–10 523
Law of April 10, 1913, 6–9 524
SPAIN, Civil Laws of 1899, Footnotes, (b-2), (c-1) 539
Decree of Nov. 6, 1916, Art. 1. 540
Decree of Dec. 20, 1924, Arts. 1–3 543
SWEDEN, Law No. 130, May 23, 1924, Art. 11 548
Decree No. 525, Dec. 19, 1924, Arts. 1–7 550
Decree of Dec. 19, 1924, re Law of May 23, 1924 552
Decree of Dec. 19, 1924, re Decree of Dec. 3, 1915, Art. 37 552
Art. 44 553
SWITZERLAND, Decree of June 25, 1903, Arts. 8, 9 558
Art. 11 559
Arts. 13, 14 560
Instruction of Feb. 1923 562
UNITED STATES, Law of June 29, 1906, as amended, Secs. 1, 3 580
Sec. 4, First to Fifth, Ninth, Fourteenth 581
Secs. 5, 6 589
Secs. 9–14 590
Secs. 27–30 596
Law of March 4, 1913 604
Law of May 25, 1926 610
Law of March 2, 1929, Secs. 1–11 610
Law of March 4, 1929, Sec. 2 616
PHILIPPINE ISLANDS, Act of March 26, 1920 Secs. 5–13 619
Sec. 17 622
PORTO RICO, Law of March 2, 1917, Sec. 41 624
VIRGIN ISLANDS, Law of Feb. 25, 1927, Sec. 4 626

PAGE

URUGUAY, Law of Feb. 1, 1928, Arts. 3–29 629
Temporary Provision 635
VATICAN CITY, Law of June 7, 1929, 10–11 638
VENEZUELA, Constitution of May 29, 1929, Art. 30 640
Law of July 13, 1928, Arts. 5, 6 642
MULTIPARTITE CONVENTION
Convention signed at Rome, April 6, 1922, Arts. 2, 3 650
Under treaties. Provisions in Statutes concerning, cases other than those of election. *See also* Naturalization, collective, under treaties.
ALBANIA, Civil Code, effective April 1, 1929, Art. 21 5
GERMANY, Law of July 22, 1913, Sec. 36 312
HONDURAS, Constitution of Sept. 10, 1924, Art. 7 (2) 332
Law No. 31, Feb. 4, 1926, Art. 1 (2) 334
Arts. 6, 9, 13 335
HUNGARY, Law of Dec. 20, 1879, Art. 47 342
IRAQ, Law of Oct. 9, 1924, Art. 7 349
ITALY, Law of June 13, 1912, Art. 7 364
Art. 17 366
Decree No. 1245, June 7, 1923, Art. 1 371
Law No. 1854, Oct. 15, 1925, Arts. 1, 2 373
Law No. 15, Jan. 10, 1926 373
Law No. 1378, March 13, 1927, Arts. 1, 2 375
Law of May 12, 1927, Art. 1 .. 375
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 53 399
Art. 56 401
Art. 62 402
LITHUANIA, Law of Jan. 9, 1922, 6 418
LUXEMBURG, Law of Dec. 12, 1859, Art. 1 423
MEXICO, Law of May 28, 1886, Art. 7 430
NICARAGUA, Constitution of Nov. 10, 1911, Art. 11 449
NORWAY, Law of Aug. 8, 1924, Sec. 16 457
POLAND, Law of Jan. 20, 1920, Art. 2 (3) 480
SALVADOR, Constitution of Aug. 13, 1886, Art. 49 517
SWEDEN, Law 130, May 23, 1924, Art. 15 550
TURKEY, Law No. 1041, May 23, 1927, Art. 1 569

PAGE

Natural Child, nationality of. *See* Illegitimate or natural child, nationality of.
See also Legitimated or legitimized child, nationality of; Recognized or acknowledged child, nationality of:

Naturalization. *See also* Election of nationality; Recovery of nationality.
Administrative provisions regarding. *See* Nationality and naturalization, administrative provisions, evidence and procedure regarding.
Collective, under treaties. *See also* Naturalization, consent not required for.
UNITED STATES
PHILIPPINE ISLANDS, Treaty between the United States and Spain, Dec. 10, 1898, Art. IX 617
VIRGIN ISLANDS, Treaty between the United States and Denmark, Aug. 4, 1916, Art. 6 625
MULTIPARTITE TREATIES AND OTHER AGREEMENTS
Treaty signed at Versailles, June 28, 1919, Poland and the Principal Allied and Associated Powers, Arts. 4, 6 646
Treaty signed at St. Germain-en-Laye, Sept. 10, 1919, Allied and Associated Powers and Austria, Art. 64.. 647
Treaty signed at St. Germain-en-Laye, Sept. 10, 1919, Principal Allied and Associated Powers and the Serb-Croat-Slovene State, Art. 4 647
Treaty signed at St. Germain-en-Laye, Sept. 10, 1919, Principal Allied and Associated Powers and Czechoslovakia, Art. 4 ... 648
Treaty signed at Neuilly-sur-Seine, November 27, 1919, Allied and Associated Powers and Bulgaria, Art. 51.. 648
Treaty signed at Paris, Dec. 9, 1919, Principal Allied and Associated Powers and Rumania, Art. 4 649
Treaty signed at Trianon, June 4, 1920, Allied and Associated Powers and Hungary, Art. 56 649

PAGE

Annex to Treaty signed at Habana, Feb. 20, 1928, Art. 13 654
BIPARTITE TREATIES AND OTHER AGREEMENTS
Latvia—Lithuania, Convention signed at Riga, May 14, 1921, 2 694
Albania—Greece, Convention signed at Athens, Oct. 13, 1926, Arts. II, IV 702
Holy See—Italy, Treaty signed at Rome, Feb. 11, 1929, Art. 9 708
Consent not required for. *See also* Election of nationality, miscellaneous provisions.
AFGHANISTAN, Code of Aug. 1921, Ch. III, Arts. 94, 95, 97.. 4
ALBANIA, Civil Code, effective April 1, 1929, Art. 6 5
ARGENTINA, Constitution of 1860, Art. 20 10
Law No. 346, Oct. 8, 1869, Art. 12 12
BELGIAN CONGO, Civil Code of 1892, Ch. I, 5 42
Decree of June 21, 1904, 1, 2. 44
BOLIVIA, Constitution of Oct. 17, 1880, Art. 32 (1) 45
BRAZIL, Constitution of 1891, Art. 69 (4), (5) 48
Decree No. 904, Nov. 12, 1902, Art. 1, Paragraphs 4, 5.. 51
Decree No. 1805, Dec. 12, 1907, Arts. 1, 2, 5 53
Regulations pertaining to Decree No. 6948 of May 14, 1908, Art. 1, Paragraphs 4, 5 54
BRITISH EMPIRE
CANADA, Act of 1910, 2 73
IRISH FREE STATE, Constitution of Dec. 6, 1922, Art. 3 130
PALESTINE, Order of July 24, 1925, 1 151
SOUTHWEST AFRICA, MANDATED TERRITORY OF
Act No. 30 of 1924, 2 (1)... 158
Act No. 27 of June 7, 1928, 1 159
BULGARIA, Law of Dec. 31, 1903, as amended, Art. 2 162
COSTA RICA, Constitution of Dec. 7, 1871, Art. 5 (4) 184
Law of May 13, 1889, Art. 1 (5) 186
CUBA, Constitution of Feb. 21, 1901, Art. 6 (4), (5) 192
Civil Code of 1888 to 1889, Art. 17 193
CZECHOSLOVAKIA, Constitutional Law No. 236, April 9, 1920, 1 200
Id. 9 to 12 203

PAGE

Naturalization—*Continued*
Constitutional Law No. 152 of July 1, 1926, Sec. 1 (1), (2) 205
DENMARK, Law of March 25, 1871, 1, 2 214
EGYPT, Law No. 19, Feb. 27, 1929, Art. 1 225
Art. 2 226
Art. 22 229
ESTONIA, Law No. 87, Oct. 27, 1922, 1, 2 231
FRANCE, Law of Aug. 10, 1927, Art. IV 247
GREATER LEBANON, Order No. 15/S, Jan. 19, 1925, Art. 10 299
Ordinances Nos. 2825/2825 bis, Art. 1 299
Art. 2 300
MADAGASCAR, Decree of March 3, 1909, Art. 1 281
MOROCCO, Decree of April 29, 1920, Art. 5 289
SYRIA, Order No. 16/S, Jan. 19, 1925, Art. 10 302
Ordinances Nos. 2825/2825 bis, Arts. 1, 2 303
TUNIS, Decree of June 19, 1914, Sole Article (1) 293
Law of Dec. 20, 1923, Art. 8 295
HEJAZ, Law of Sept. 24, 1926, 1, 10 331
HONDURAS, Constitution of Sept. 10, 1924, Art. 8 332
ICELAND, Law of Oct. 6, 1919, Arts. 9, 11 345
IRAQ, Law of Oct. 9, 1924, as amended, Art. 3 349
ITALY, Law of May 12, 1927, Arts. 1, 2 363
Law No. 1013, June 26, 1927 (Libyan), Arts. 30, 32 379
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 53 399
Art. 55 400
LATVIA, Law of Aug. 23, 1919, 1, 2 405
Law of Oct. 7, 1921, 1–1 406
Law of June 2, 1927, 1 407
LITHUANIA, Provisional Law of Jan. 9, 1919, 1 417
LUXEMBURG, Law of Nov. 12, 1848, as amended, 4 421
Id. Transitory Article 422
MEXICO, Law of May 28, 1886, Art. 1 (10), (11) 428
Temporary Provisions, Art. 1 435
NETHERLANDS, Law of Feb. 10, 1910, as amended by Act of June 10, 1927, Art. 1 (5) 447
NICARAGUA, Law of Oct. 3, 1894, Art. 32 452
PERSIA, Law of Sept. 7, 1929, Art. I, 1 473

PAGE

POLAND, Law of Jan. 20, 1920, Art. 2 (1) 480
RUMANIA, Law of Feb. 23, 1924, Art. 56 505
Art. 59 506
RUSSIA, Decree No. 202, of Oct. 29, 1924, 3 512
TURKEY, Law of Jan. 19, 1869, Art. 9 569
UNITED STATES
Treaty between the United States and Russia, ceding Alaska, March 30, 1867 578
Law of April 30, 1900, Sec. 4 579
PHILIPPINE ISLANDS, Law of July 1, 1902, Sec. 4 617
PORTO RICO, Law of April 12, 1900, Sec. 7 623
Law of March 2, 1917, Sec. 5 623
Law of March 4, 1927, Sec. 2 624
VIRGIN ISLANDS, Law of Feb. 25, 1927, Sec. 1 625
VATICAN CITY, Law of June 7, 1929, 1 636
VENEZUELA, Law of July 13, 1928, Art. 7 642

Denial of, because of bad character, disloyalty, fraud, misrepresentation and other causes. *See* Denial of naturalization because of bad character, disloyalty, fraud, misrepresentation and other causes.

Direct, upon application of person naturalized. *See also* Denial of naturalization because of bad character, disloyalty, fraud, misrepresentation or other causes; Forfeiture or suspension of nationality because of bad character, disloyalty, fraud, misrepresentation, or other causes; Nationality and naturalization, administrative provisions, evidence and procedure regarding.
AFGHANISTAN, Code of Aug. 1921, Ch. III, Art. 86 3
ALBANIA, Civil Code, effective April 1, 1929, Arts. 7–9 6
Art. 14 7
ARGENTINA, Law No. 346, Oct. 8, 1869, Art. 2 11
AUSTRIA, Law No. 285, July 30, 1925, Par. 4 18
Par. 13 20
BELGIUM, Constitution of Feb. 7, 1831, Art. 5 29
Law of May 15, 1922, Arts. 11, 13, 16, 17 31

PAGE

Naturalization—*Continued*
Instructions concerning naturalization, Ministerial Circulars of July 31, 1923, 1, Preamble..... 35
Id. 2 (1), (2)..... 37
BELGIAN CONGO, Civil Code of 1892, Ch. I, 1 to 3... 42
BOLIVIA, Constitution of Oct. 17, 1880, Art. 32 (2), (3) 45
BRAZIL, Constitution of 1891, Art. 69 (6)..... 48
Decree No. 904, Nov. 12, 1902, Art. 1, Par. 6.... 51
Arts. 4, 5..... 51
Regulations pertaining to Decree No. 6948 of May 14, 1908, Art. 1, Par. 6.. 54
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 2 (1) to (4), (6)..... 63
Id. 5, (3)..... 64
AUSTRALIA, Act of 1920 to 1925, 7 (1) to (4), (6).. 90
Id. 8..... 91
Id. First Schedule, 2 (1) to (4), (6)..... 99
Id. First Schedule, 5 (3) 100
BRITISH INDIA, Act No. 7, Feb. 26, 1926, 3..... 131
Id. 11..... 135
Id. 12..... 136
CANADA, Act of 1914, 4..... 77
HONGKONG, Ordinance No. 44 of 1902, as amended, 2..... 149
NEWFOUNDLAND, Consolidated Statutes; Third Series (1916), Ch. 78, 2 (1) to (4)..... 138
Act of 1929, II..... 145
NEW ZEALAND, Act of 1928, 5 105
Id. 8..... 106
Id. First Schedule 2 (1) to (4), (6)..... 108
PALESTINE, Order of July 24, 1925, 4..... 152
Id. 7..... 153
UNION OF SOUTH AFRICA, Act of 1926, 2 (1) to (4), (6) 117
BULGARIA, Constitution of April 16–29, 1879, as amended, Art. 55..... 162
Law of Dec. 31, 1903, as amended, Art. 9..... 164
CHILE, Constitution of Sept. 18, 1925, Art. 5 (3), (4) 170
Law No. 747, Dec. 15, 1925, Arts. 4–11..... 172
CHINA, Law of Feb. 5, 1929, Arts. 2 (5), 3..... 175

PAGE

COLOMBIA, Constitution of 1886, Art. 8 (3)..... 180
Art. 120, 19..... 181
Law 145, Nov. 26, 1888, Art. 16..... 182
COSTA RICA, Constitution of Dec. 7, 1871, Art. 6 (1), (3)..... 185
Decree of July 6, 1888, Art. 3..... 185
Law of May 13, 1889, Art. 3..... 186
Art. 8..... 187
CUBA, Constitution of Feb. 21, 1901, Art. 6..... 192
Civil Code of 1888 to 1889, Art. 17..... 193
CZECHOSLOVAKIA, Law No. 152, July 1, 1926, Sec. 1 (1), (2)..... 205
Sec. 2 (2) to 4..... 206
DANZIG, Law of May 30, 1922, 8 210
Id. 12..... 211
DENMARK, Law of April 18, 1925, Sec. IV..... 215
DOMINICAN REPUBLIC, Constitution of June 20, 1929, Art. 8 (4)..... 217
Law No. 1227, Dec. 4, 1929, Art. 1 (a), (b)..... 218
Art. 4..... 219
ECUADOR, Constitution of March 26, 1929, Art. 9, 1st, 2nd, 5th..... 222
EGYPT, Law No. 19, Feb. 27, 1929, Arts. 3, 4..... 226
Art. 8..... 227
Art. 15..... 228
Art. 17..... 229
ESTONIA, Law No. 87, Oct. 27, 1922, 7, 8..... 232
Id. 10, 11..... 233
FINLAND, Constitution of July 17, 1919, Art. 4..... 237
Law of Feb. 20, 1920, 1.... 237
FRANCE, Law of Aug. 10, 1927, Art. VI..... 247
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), Decree of Nov. 5, 1928, Art. 6..... 260
ALGERIA, *Senatus-Consultum* of July 14, 1865, Art. 3..... 269
Decree of Oct. 24, 1870, re Mussulmans, Art. 1.. 269
Law of March 25, 1915, Art. 1..... 270
Law of Feb. 4, 1919, Art. 2 271
FRENCH INDO-CHINA, Decree of May 26, 1913, Art. 1..... 275

PAGE

Naturalization—*Continued*

GREATER LEBANON, Order No. 15/S, Jan. 19, 1925, Art. 3 298
MOROCCO, Decree of April 29, 1920, Art. 1 288
SYRIA, Order No. 16/S, Jan. 19, 1925, Art. 3 301
TUNIS, Law of Dec. 20, 1923, Arts. 3, 4 294
GERMANY, Law of July 22, 1913, Sec. 3 (5) 306
Secs. 8, 9 307
Sec. 33 312
GREECE, Law No. 391, Oct. 29, 1856, Art. 15 316
GUATEMALA, Constitution of 1879, as revised, Art. 7 322
Law of Feb. 21, 1894, Art. 3 322
Decree No. 867, July 11, 1924 324
HAITI, Civil Code of May 1, 1826 as modified, Art. 14 327
Law of Aug. 22, 1907, Art. 5 328
HEJAZ, Law of Sept. 24, 1926, 4, 5 331
HONDURAS, Constitution of Sept. 10, 1924, Art. 9... 333
Law No. 31, of Feb. 4, 1926, Arts. 10, 11, 13..... 335
HUNGARY, Law of Dec. 20, 1879, Arts. 2, 6, 8..... 337
ICELAND, Law of June 15, 1926, Art. 4 346
IRAQ, Law of Oct. 9, 1924, Arts. 10, 11 350
ITALY, Law of June 13, 1912, Arts. 4, 5 364
JAPAN, Law No. 66, March 1899, as revised, Arts. 5 (5), 7 382
Art. 8 383
JUGOSLAVIA, Law of Sept. 21, 1928, Arts. 11–13 391
Art. 53 399
LATVIA, Law of Aug. 23, 1919, 4 405
Law of June 2, 1927, IV.... 408
LIBERIA, Constitution of July 26, 1847, as amended, Sec. 13 410
Law of Jan. 6, 1908, Sec. I. 410
Law of Feb. 8, 1922, Sec. 68 413
Sec. 69 414
LITHUANIA, Constitution of May 15, 1928, 9 416
Law of Jan. 9, 1919, I (g), 2 417
LUXEMBURG, Law of Nov. 12, 1848, as amended, 2, 3. 421
MEXICO, Constitution of 1917, Art. 30, 2 426
Law of May 28, 1886, Art. 1 (9) 428
Art. 6 430

PAGE

Art. 11 431
Art. 28 433
MONACO, Civil Code of Nov. 6, 1913, 9 437
NETHERLANDS, Law of Dec. 12, 1892, as amended, Art. 3 441
Art. 5 442
Clause regarding period of transition 445
NICARAGUA, Constitution of Nov. 10, 1911, Art. 9... 448
Law of Feb. 18, 1861, Art. 1 450
Law of Oct. 3, 1894, Oct. 4.. 452
NORWAY, Law of Aug. 8, 1924, Sec. 5 454
PANAMA, Constitution of Feb. 13, 1904, Art. 6 (3).... 458
Law of Aug. 22, 1916, effective July 1, 1917, Art. 122 (3) 459
Civil Code of July 1, 1917, Art. 39 (3) 467
Act of Oct. 19, 1928 468
PARAGUAY, Constitution of Nov. 25, 1870, Arts. 35 (5), 36 471
PERSIA, Law of Sept. 7, 1929, Arts. I (7), IV 473
PERU, Constitution of Dec. 27, 1919, Art. 60 460
POLAND, Constitution of March 17, 1921, Art. 88 (2)... 479
Law of Jan. 20, 1920, Art. 8 481
Order of June 7, 1920, Art. 4 482
PORTUGAL, Civil Code of 1867, Arts. 18 (5), 19 491
Decree of Dec. 2, 1910, Art. 1 492
RUMANIA, Constitution of March 28, 1923, Art. 133 496
Law of Feb. 23, 1924, Arts. 5–7 497
Art. 66 507
Law of May 29, 1928 508
RUSSIA, Decree No. 202, Oct. 29, 1924, 4 512
Id. 7, 8 513
SALVADOR, Constitution of Aug. 13, 1886, Art. 43 516
Law of April 3, 1900, Arts. 11, 12 520
SIAM, Law 130, May 18, 1911, 3 522
Id. 6, 8 523
SPAIN, Constitution of June 30, 1876, Art. 1 (3) 526
Law of July 4, 1870, Art. 2.. 531
Civil Laws of 1889, Art. 17 (3) 537
SWEDEN, Law No. 130, May 23, 1924, Art. 5 546
SWITZERLAND, Decree of June 25, 1903, Arts. 1, 2, 4 .. 557
Civil Code of Dec. 10, 1907, Art. 422, Figure 2 561

PAGE

Naturalization—*Continued*
Law of June 26, 1920, Arts. 1, 2 561
TURKEY, Law of Jan. 19, 1869, Art. 3 568
Law of May 28, 1928, Art. 5 570
UNITED STATES, Law of March 3, 1813 576
Act of Feb. 18, 1875 579
Law of May 6, 1882 579
Constitution of the Republic of Hawaii of July 4, 1894, Sec. 1 ... 579
Law of June 29, 1906, as amended, Sec. 4, First to Fifth 581
Sec. 8 590
Law of Sept. 22, 1922, Sec. 1 608
Sec. 6 609
Law of March 2, 1929, Sec. 6 611
Law of March 4, 1926, Sec. 1 616
PHILIPPINE ISLANDS
Law of March 26, 1920, Sec. 1 618
Sec. 3 618
PORTO RICO, Law of March 4, 1927, Sec. 2 624
VIRGIN ISLANDS, Treaty between the United States and Denmark, Aug. 4, 1916, Art. 6 625
Law of Feb. 25, 1927, Sec. 2 626
URUGUAY, Constitution of Jan. 3, 1918, Art. 8 627
Law of Feb. 1, 1928, Arts. 1, 3 629
VENEZUELA, Law of July 13, 1928, Arts. 1–3 641
MULTIPARTITE CONVENTION
Annex to the Treaty signed at Habana, Feb. 20, 1928, Arts. 9, 12 654
BIPARTITE TREATIES AND OTHER AGREEMENTS
France—Monaco, Declaration signed at Paris, Oct. 7, 1919 (Par. 2) ... 690
Latvia—Lithuania, Convention signed at Riga, May 14, 1921, 1, 2 694
Preferential treatment upon fulfilment of certain conditions
AFGHANISTAN, Code of Aug., 1921, Ch. III, Art. 87 .. 3
ARGENTINA, Law No. 346, Oct. 8, 1869, Art. 2, 2 11
Art. 4 11
Art. 10 12

PAGE

AUSTRIA, Law No. 285, July 30, 1925, Par. 4 (1), (4) 18
Par. 13 20
BELGIUM, Law of May 15, 1922, Arts. 13 (2), 14, 15 31
Art. 19 32
Transitory Provisions, 4 33
Transitory Provisions, 5 34
Ministerial Circulars of July 31, 1923, 1, Preamble ... 35
Id. 2 (1), (2) 37
Law of Aug. 4, 1926, Arts. 2, 3 38
BRAZIL, Decree No. 904, Nov. 12, 1902, Art. 6 51
Regulations pertaining to Decree No. 6948 of May 14, 1908, Art. 5 55
Arts. 16, 17 57
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 2 (5) 63
Id. 5 (2) 64
AUSTRALIA, Act of 1920 to 1925, 7 (5) 91
Id. 10 (2), (3) 91
Id. 18 95
Id. First Schedule 2 (5) 99
Id. First Schedule 5 (2) 100
BRITISH INDIA, Act No. 7, Feb. 26, 1926, 3 (1) 131
CANADA, Act of 1914, 4 (5) .. 77
Id. 7 (2), (3) 78
Id. 8 78
Id. 13 (3) 81
NEWFOUNDLAND, Consolidated Statutes; Third Series (1916), Ch. 78, 2 (5) 138
Id. 5 (2), (3) 139
Id. 6 139
Act of 1929, III 145
NEW ZEALAND, Act of 1928, First Schedule, 2 (5) 108
First Schedule, 5 (2) ... 109
First Schedule, 6 109
PALESTINE, Order of July 24, 1925, 5 152
Id. 7 (4) 153
Id. 9 (2), (3) 154
UNION OF SOUTH AFRICA, Act of 1926, 2 (5) 117
Id. 3 118
Id. 4 118
Id. 5 (2), (3) 119
SOUTHWEST AFRICA, MANDATED TERRITORY OF, Act No. 27 of June 7, 1928, 2 158
BULGARIA, Law of Dec. 31, 1903, as amended, Art. 9 164
CHILE, Law No. 747, Dec. 15, 1925, Art. 2 171

PAGE

Naturalization—*Continued*

China, Law of Feb. 5, 1929, Arts. 4–6 175
Colombia, Constitution of 1886, Art. 8 (2) 180
Law 145, Nov. 26, 1888, Art. 1 181
Danzig, Law of May 30, 1922, 9 210
Dominican Republic, Law No. 1227, Dec. 4, 1929, Art. 1 (c), (d) 218
Art. 2 219
Egypt, Law No. 19, February 27, 1929, Art. 9 227
Art. 11 228
Art. 24 229
Estonia, Law No. 87, Oct. 27, 1922, 3, 5 232
Id. 9 233
Finland, Law of Feb. 20, 1920, 1 237
France, Law of Aug. 10, 1927, Arts. VI (2), (3), VII 248
Art. XI 250
French Colonies (Other than Guadeloupe, Martinique and Réunion), Decree of Nov. 5, 1928, Art. 6 260
Art. 7 261
Algeria, Law of March 25, 1915, Art. 2 270
French Indo-China, Decree of May 26, 1913, Art. 5 276
Greater Lebanon, Order No. 15/S, Jan. 19, 1925, Art. 4 298
Art. 11 299
Morocco, Decree of April 29, 1920, Art. 1 288
Syria, Order No. 16/S, Jan. 19, 1925, Arts. 3 (2), 4 301
Tunis, Law of Dec. 20, 1923, Arts. 3, 4 294
Art. 8 295
Germany, Law of July 22, 1913, Sec. 10 307
Secs. 12, 13 308
Sec. 34 312
Greece, Law No. 391, Oct. 29, 1856, Arts. 20, 21 316
Law of Sept. 10, 1925, Arts. 1, 2 318
Law of Oct. 15, 1927, Arts. 1, 2 320
Guatemala, Constitution of 1879, as revised, Art. 6 321
Haiti, Law of Aug. 22, 1907, Art. 6 328
Art. 11 329
Hejaz, Law of Sept. 24, 1926, 5 331

PAGE

Honduras, Law No. 31, Feb. 4, 1926, Art. 12 335
Hungary, Law of Dec. 20, 1879, Art. 17 339
Iraq, Law of Oct. 9, 1924, Art. 7 349
Ordinance of Oct. 28, 1926, Art. 4 359
Italy, Law of June 13, 1912, Arts. 4–6, 9 364
Law No. 43, Jan. 29, 1922, Art. 2 369
Law of Sept. 10, 1922, Art. I 371
Law of May 12, 1927, Art. 6 377
Law No. 1013, June 26, 1927, Art. 33 379
Art. 34 380
Japan, Law No. 66, March, 1899, as revised, Arts. 9, 10, 12, 14 383
Jugoslavia, Law of Sept. 21, 1928, Art. 14 392
Art. 58 401
Latvia, Law of Aug. 23, 1919, 3 405
Id. 5 406
Law of Oct. 7, 1921, I–1, Note 2 407
Law of June 2, 1927, I 407
Id. II 408
Id. IV, Observation 2 .. 408
Id. V 408
Lithuania, Law of March 29, 1920, Annotation to Paragraph 3 418
Luxemburg, Law of Nov. 12, 1848, as amended, 2 and 4 421
Mexico, Law of May 28, 1886, Art. 1 (7), (10), (12) ... 428
Arts. 17, 18 432
Monaco, Civil Code of Nov. 6, 1913, 10 437
Id. 18 438
Netherlands, Law of Dec. 12, 1892, as amended, Art. 4 442
Nicaragua, Constitution of Nov. 10, 1911, Art. 9. 448
Law of Feb. 18, 1861, Art. 2 450
Panama, Constitution of Feb. 13, 1904, Art. 6 (3), (4). 458
Law of Aug. 22, 1916, effective July 1, 1927, Art. 122 (3), (4) 459
Civil Code of July 1, 1917, Art. 39 (3), (4) 467
Act of Oct. 19, 1928 468
Paraguay, Constitution of Nov. 25, 1870, Art. 36.. 471
Persia, Law of Sept. 7, 1929, Art. V 474
Poland, Law of Jan. 20, 1920, Art. 9 481

PAGE

Naturalization—*Continued*
PORTUGAL, Civil Code of 1867, Arts. 19, Sole Section, 20 491
Decree of Dec. 2, 1910, Art. 1 (5), Sec. 2 492
RUMANIA, Law of Feb. 23, 1924, Arts. 8, 9 496
SALVADOR, Constitution of Aug. 13, 1886, Art. 43 516
Art. 44 517
SIAM, Law 130, May 18, 1911, 7, 8 523
SWEDEN, Law No. 130, May 23, 1924, Art. 5 546
TURKEY, Law of Jan. 19, 1869, Art. 4 568
Law of May 28, 1928, Art. 6 570
UNITED STATES, Law of June 29, 1906, as amended, Sec. 4, Sixth to Eighth, Tenth, Thirteenth.. 583
Sec. 30 600
Law of Feb. 24, 1911 604
Law of May 22, 1917 605
Law of 1919 608
Law of Sept. 22, 1922, Sec. 2 608
Secs. 4, 6 609
Law of May 26, 1926, Secs. 1, 7 610
Law of March 2, 1929, Sec. 6 (c), (d) 613
Law of March 4, 1929, Sec. 3 616
PHILIPPINE ISLANDS, Act of March 26, 1920, Sec. 4 619
Sec. 13 621
URUGUAY, Constitution of Jan. 3, 1918, Art. 8 627
VENEZUELA, Constitution of May 29, 1929, Art. 29 640
Law of July 13, 1928, Arts. 1–3 641
Art. 4 (2) 642

Evidence of. *See* Nationality and naturalization, administrative provisions, evidence and procedure regarding.

Expatriation by, abroad. *See* Expatriation, naturalization abroad, by.
See also Expatriation, conditional on consent of government or performance of national services.

Failure to obtain naturalization, effect of, on rights of property. *See* Property, failure to obtain naturalization, effect of, on rights of.

PAGE

See also Penalties for naturalization in, or entering the service of, a foreign country, or accompanying loss of nationality.

Husband, effect of, on nationality of wife. *See also* Naturalization, wife, through acquisition of nationality by husband.
BELGIUM, Circulars of July 31, 1923, I (7), N.B. (A) 36
Id. 2, N.B. 37
BULGARIA, Law of Dec. 31, 1903, as amended, Art. 11 164
Arts. 18, 22, 23 166
DOMINICAN REPUBLIC, Law No. 1227, Dec. 4, 1929, Art. 2. 219
FRANCE
FRENCH INDO-CHINA, Decree of May 263, 191, as modified, Art. 5 276
Circular of June 8, 1914 277
GREATER LEBANON, Order No. 15/S, Jan. 19, 1925, Art. 4 298
MOROCCO, Decree of April 29, 1920, Arts. 2, 4 288
HAITI, Law of Aug. 22, 1907, Art. 14 329
UNITED STATES, Law of Sept. 22, 1922, Sec. 2 608

Indirect naturalization. *See* Naturalization, minor; wife; woman.

Major child, through acquisition of nationality by a parent.
AFGHANISTAN, Code of Aug. 1921, Ch. III, Art. 92 (Conditional) 3

Man, through marriage
JAPAN, Law No. 21, July 9, 1898, I, II 381
Law No. 66 of March 1899, as revised, Art. 5 (2) 382

Minor, through acquisition of nationality by a parent. *See also* Child, naturalization of parent, effect of, on nationality of.
Conditional
AFGHANISTAN, Code of Aug. 1921, Ch. III, Art. 92.. 3
ALBANIA, Civil Code, effective April 1, 1929, Art. 17 ... 7
ARGENTINA, Law No. 346, Oct. 8, 1869, Art. 3 11
AUSTRIA, Law No. 285, July 30, 1925, Par. 5 (1), 2 19
Par. 13 20
BELGIUM
BELGIAN CONGO, Civil Code of 1892, 2 42
BRAZIL, Decree No. 569, June 7, 1899, Art. 4 50
CHINA, Law of Feb. 5, 1929, Art. 8 176

PAGE

Naturalization—*Continued*
CZECHOSLOVAKIA, Law No. 236, April 9, 1920, 16 204
DANZIG, Law of May 30, 1922, 4 209
Id. 5 (7) 210
Id. 11 211
ECUADOR, Constitution of March 26, 1929, Art. 9, 3rd 222
Law of Oct. 18, 1921, as amended, Art. 71 224
EGYPT, Law No. 19, Feb. 27, 1929, Art. 16 228
FRANCE, Law of Aug. 10, 1927, Art. VII 248
Art. XI 250
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), Decree of Nov. 5, 1928, Art. 11 263
ALGERIA, Law of March 25, 1915, Art. 2 270
FRENCH INDO-CHINA, Decree of May 26, 1913, Art. 5. 276
Circular of June 8, 1914.. 277
SYRIA, Order No. 16/S, Jan. 19, 1925, Art. 4 301
TUNIS, Law of Dec. 20, 1923, Arts. 5–7 295
GERMANY, Law of July 22, 1912, Sec. 16 308
GREECE, Law No. 391, Oct. 29, 1856, Arts. 17, 18 316
ITALY, Law of June 13, 1912, Art. 12 366
JAPAN, Law No. 66, March 1899, as revised, Art. 15 383
Art. 27 386
LIBERIA, Law of Feb. 8, 1922, Sec. 72 414
MEXICO, Law of May 28, 1886, Art. 2 (4) 429
MONACO, Civil Code of Nov. 6, 1913, 18, 20 438
NETHERLANDS, Law of Dec. 12, 1892, as amended, Art. 6 442
Law of Feb. 10, 1910, as amended by Act of June 10, 1927, Art. 1 (5) 447
NICARAGUA, Law of Oct. 3, 1894, Art. 2 452
NORWAY, Law of Aug. 8, 1924, Secs. 6, 7 455
Sec. 13 456
POLAND, Law of Jan. 20, 1920, Art. 13 481
SWEDEN, Law No. 130, May 23, 1924, Art. 6 547
Art. 7 548
SWITZERLAND, Decree of June 25, 1903, Art. 3 557

PAGE

Civil Code of Dec. 10, 1907, Art. 270 560
UNITED STATES, Law of April 14, 1802 576
Law of March 2, 1907, Sec. 5 601
PHILIPPINE ISLANDS, Act of Nov. 30, 1928, Sec. 1 ... 622
VATICAN CITY, Law of June 7, 1929, 2 to 4 636
Id. 6, 9 637
VENEZUELA, Law of July 13, 1928, Art. 8 642

Unconditional
BELGIUM, Law of May 15, 1922, Art. 5 29
Art. 21 32
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 5 (1) 64
AUSTRALIA, Act. of 1920 to 1925, 10 (1) 91
Id. 35 98
Id. First Schedule, 5 (1) 100
BRITISH INDIA, Act No. 7, Feb. 26, 1926, 5 (2) 132
CANADA, Act of 1914, 7 (1) .. 78
NEWFOUNDLAND, Consolidated Statutes; Third Series (1916), Ch. 78, 5 (1) 139
NEW ZEALAND, Act of 1928, First Schedule, 5 (1) 109
PALESTINE, Order of July 24, 1925, 6 153
Id. 9 (1) 154
UNION OF SOUTH AFRICA, Act of 1926, 5 (1) 118
BULGARIA, Law of Dec. 31, 1903, as amended, Art. 11 164
Art. 18 166
COLOMBIA, Law 145, Nov. 26, 1888, Art. 17 182
CUBA, Civil Code of 1888 to 1889, Art. 18 193
CZECHOSLOVAKIA, Constitution of Feb. 29, 1920, 5 202
Id. 16 204
Law No. 152, July 1, 1926, Sec. 1, 1 205
DANZIG, Law of May 30, 1922, 4 209
Id. 5 (7) 210
Id. 11 211
DENMARK, Law of April 18, 1925, Sec. II 214
Secs. III, IV 215
EGYPT, Law No. 19, Feb. 27, 1929, Art. 5 226
ESTONIA, Law No. 87, Oct. 27, 1922, 2 (7) 232

PAGE

Naturalization—*Continued*
FRANCE
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), Decree of Nov. 5, 1928, Art. 7 261
GREATER LEBANON, Order 15/S, Jan. 19, 1925, Art. 4 298
Ordinances Nos. 2825/2825 bis, Art. 6 300
MADAGASCAR, Decree of Nov. 7, 1916, Art. 10 285
MOROCCO, Decree of April 29, 1920, Arts. 3, 4 288
SYRIA, Ordinances Nos. 2825/2825 bis, Art. 6 ... 302
GREECE, Law No. 391, Oct. 29, 1856, Arts. 17, 18 316
HUNGARY, Law of Dec. 20, 1879, Art. 7 337
ICELAND, Law of Oct. 6, 1919, Arts. 3, 4 344
Art. 10 345
Law of June 15, 1926, Arts. 2–4 346
IRAQ, Law of Oct. 9, 1924, as amended, Art. 18 351
ITALY, Law of May 12, 1927, Art. 9 364
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 19 393
Art. 53, 9 (a) 399
LATVIA, Law of Aug. 23, 1919, 7 406
Law of June 2, 1927, VII ... 409
LITHUANIA, Law of Jan. 9, 1919, I (d) 417
NETHERLANDS, Law of Dec. 12, 1892, as amended, Art. 7 (5) 443
PANAMA, Law of Aug. 22, 1916, effective July 1, 1917, Art. 168 465
PERSIA, Law of Sept. 7, 1929, Art. IX 474
RUMANIA, Law of Feb. 23, 1924, Art. 35 501
Art. 50 504
Art. 57 505
RUSSIA, Decree No. 202, Oct. 29, 1924, 6, Note 1 512
SIAM, Law 130 of May 18, 1911, 13 523
TURKEY, Law of May 28, 1928, Art. 5 570
VENEZUELA, Law of July 13, 1928, Arts. 4 (1), 8 642
BIPARTITE TREATIES AND OTHER AGREEMENTS
Latvia—Lithuania, Convention signed at Riga, May 14, 1921, 6 695

PAGE

Albania—Greece, Convention signed at Athens, Oct. 13, 1926, Art. II .. 702

Parent, Expatriation of minor through naturalization abroad of. *See* Expatriation, minor, through naturalization abroad of, or loss of nationality by, a parent, or marriage of mother to an alien.
See also Child, loss of nationality by parent, effect of, on the nationality of.

Penalties for naturalization in, or entering the service of, a foreign country, or accompanying loss of nationality. *See* Penalties for naturalization in, or entering the service of, a foreign country, or accompanying loss of nationality.
See also Property, failure to obtain naturalization, effect of, on rights of.

Procedure regarding. *See* nationality and naturalization, administrative provisions, evidence and procedure regarding.
See also Naturalization direct, upon application of person naturalized.

Property, effect of naturalization abroad on rights of. *See* property, naturalization abroad or loss of nationality, effect of, on rights of.
See also Property, failure to obtain naturalization, effect of, on rights of.

Public service, by performance of a
AUSTRIA, Law No. 272, July 30, 1925, Par. 1 17
DANZIG, Law of May 30, 1922, 5 209
Id. 6 210
GERMANY, Law of July 22, 1913, Secs. 14, 15 308
GUATEMALA, Law of Feb. 21, 1894, Art. 93 (2) 324
HAITI, Law of Aug. 22, 1907, Art. 7 328
MEXICO, Law of May 28, 1886, Art. 1 (3) 427
Art. 27 433
POLAND, Law of Jan. 20, 1920, Art. 5 480
RUMANIA, Law of Feb. 23, 1924, Arts. 29–31 501
SALVADOR, Constitution of Aug. 13, 1886, Art. 48 517
SPAIN, Civil Laws of 1889, Footnotes (b-1) 539

PAGE

Naturalization—*Continued*
Under treaties. Provisions in statutes concerning cases other than those of election. *See* Nationality and naturalization under treaties. Provisions in statutes concerning cases other than those of election.
Wife, through acquisition of nationality by husband. *See also* Naturalization, husband, effect of, on nationality of wife.
Conditional
BELGIUM, Law of May 15, 1922, Art. 4 29
Law of Aug. 4, 1926, Art. 12 40
BELGIAN CONGO, Civil Code of 1892, Ch. I, 2 42
BULGARIA, Law of Dec. 31, 1903, as amended, Art. 16 165
CHINA, Law of Feb. 5, 1929, Art. 8 176
COSTA RICA, Law of May 13, 1889, Art. 6 187
CZECHOSLOVAKIA, Law No. 236, April 9, 1920, 5 202
Id. 16 204
DANZIG, Law of May 30, 1922, 11 211
DENMARK, Law of April 18, 1925, Sec. IV 215
ECUADOR, Law of Oct. 18, 1921, as amended, Art. 72 ... 224
EGYPT, Law No. 19, Feb. 27, 1929, Art. 15 228
FINLAND, Law of Feb. 20, 1920, 2 238
FRANCE
ALGERIA, Law of March 25, 1915, Art. 2 270
SYRIA, Order No. 16/S, Jan. 19, 1925, Art. 4 301
TUNIS, Law of Dec. 20, 1923, Art. 5 295
GERMANY, Law of July 22, 1913, Sec. 16 308
GREECE, Law No. 391, Oct. 29, 1856, Art. 17 316
HAITI, Law of Aug. 22, 1907, Art. 12 329
JAPAN, Law No. 66, March 1899, as revised, Art. 13 383
Art. 27 386
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 19 393
LIBERIA, Law of Feb. 8, 1922, Sec. 70 414
MEXICO, Law of May 28, 1886, Art. 2 (4) 429

PAGE

MONACO, Civil Code of Nov. 6, 1913, 10 437
NETHERLANDS, Law of Feb. 10, 1910, as amended by Act of June 10, 1927, Art. 1 (5) 447
NICARAGUA, Law of Oct. 3, 1894, Art. 2 452
NORWAY, Law of Aug. 8, 1924, Sec. 6 455
Sec. 13 456
POLAND, Law of Jan. 20, 1920, Art. 13 481
SWEDEN, Law No. 130, May 23, 1924, Art. 6 547
SWITZERLAND, Decree of June 25, 1903, Art. 3 557
Civil Code of Dec. 10, 1907, Art. 161, Par. 1 560
VATICAN CITY, Law of June 7, 1929, 2 to 4 636
Unconditional
AUSTRIA, Law No. 285, July 30, 1925, Par. 6 (1), (2) 19
Par. 13 20
BELGIUM, Law of May 15, 1922, Art. 4 29
Law of Aug. 4, 1926, Art. 4 38
Art. 12 40
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 10 67
AUSTRALIA, Act of 1920 to 1925, 18 95
CANADA, Act of 1914, 13 81
NEWFOUNDLAND, Consolidated Statutes, Third Series (1916), Ch. 78, 10 140
NEW ZEALAND, Act of 1928, Second Schedule, 10 113
PALESTINE, Order of July 24, 1925, 6 153
Id. 12 (1) 155
UNION OF SOUTH AFRICA, Act of 1926, 12 122
Act No. 40, Nov. 11, 1927, 2 128
BULGARIA, Law of Dec. 31, 1903, as amended, 15 ... 165
COLOMBIA, Law 145, Nov. 26, 1888, Art. 17 182
CUBA, Civil Code of 1888 to 1889, Art. 22 194
CZECHOSLOVAKIA, Constitution of Feb. 29, 1920, 5 202
Id. 16 204
Law No. 152 of July 1, 1926, Sec. 2 (1) 206
DANZIG, Law of May 30, 1922, 7 210
Id. 11 211

PAGE

Naturalization—*Continued*
DENMARK, Law of April 18, 1925, Sec. II 214
Sec. IV 215
EGYPT, Law No. 19, Feb. 27, 1929, Art. 5 226
ESTONIA, Law No. 87, Oct. 27, 1922, 2 (5) 232
FRANCE
GREATER LEBANON, Ordinances Nos. 2825/2825 bis, Art. 6 300
MADAGASCAR, Decree of Nov. 7, 1916, Art. 10 285
SYRIA, Ordinances Nos. 2828/2825 bis, Art. 6 303
HUNGARY, Law of Dec. 20, 1879, Art. 7 337
ICELAND, Law of Oct. 6, 1919, Art. 10 345
Law of June 15, 1926, Arts. 2, 4 346
IRAQ, Law of Oct. 9, 1924, as amended, Art. 17 351
Law of Feb. 25, 1925, Art. 4 352
ITALY, Law of May 12, 1927, Art. 9 377
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 53, 9 (b) 399
LITHUANIA, Law of Jan. 9, 1919, 1 (e) 417
NETHERLANDS, Law of Dec. 12, 1892, as amended, Art. 5 442
Art. 7 (5) 443
PANAMA, Law of Aug. 22, 1916, effective July 1, 1917, Art. 168 465
PERSIA, Law of Sept. 7, 1929, Art. IX 474
RUMANIA, Law of Feb. 23, 1924, Art. 50 504
Art. 57 505
SIAM, Law 130, of May 18, 1911, 12 523
SPAIN, Civil Laws of 1889, Art. 22 538
BIPARTITE TREATIES AND OTHER AGREEMENTS
Latvia-Lithuania, Convention signed at Riga, May 14, 1921, 6 695
Albania—Greece, Convention signed at Athens, Oct. 13, 1926, Art. II .. 702
Woman through marriage. *See also* Marriage, effect of, on nationality.
Conditional
BELGIUM, Law of May 15, 1922, Art. 4 29
Law of Aug. 4, 1926, Art. 4 38
Art. 12 40
CHINA, Law of Feb. 5, 1929, Art. 2, 1 175
CZECHOSLOVAKIA, Law, No. 236, April 9, 1920, 16 204
ECUADOR, Constitution of March 26, 1929, Art. 9, 4th 222
Law of Oct. 18, 1921, as amended, Arts. 71, 72 .. 224
FRANCE, Law of Aug. 10, 1927, Art. VIII 249
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), Decree of Nov. 5, 1928, Art. 8 262
GREECE, Law No. 391, Oct. 29, 1856, Art. 25 317
GUATEMALA, Civil Code of 1926, Art. 151 325
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 10 391
LIBERIA, Law of Feb. 8, 1922, Sec. 70 414
RUMANIA, Law of Feb. 23, 1924, Art. 4 497
Art. 34 501
UNITED STATES, Law of Feb. 10, 1855, R. S. 1878, §1994 577
Law of Sept. 22, 1922, Sec. 6 609
PHILIPPINE ISLANDS, Act of Nov. 30, 1928, Sec. 1 ... 622
Unconditional
AFGHANISTAN, Code of Aug. 1921, Ch. III, Art. 89 ... 3
ALBANIA, Civil Code, effective April 1, 1929, Art. 14 ... 7
AUSTRIA, Law No. 285, July 30, 1925, Par. 6 (1) 19
Par. 13 20
BELGIUM, Law of May 15, 1922, Art. 4 29
Law of Aug. 4, 1926, Art. 12 40
BOLIVIA, Civil Code of 1830, Art. 8 46
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 10 67
AUSTRALIA, Act of 1920 to 1925, 18 95
CANADA, Act of 1914, 13 ... 81
Act of 1921, 2 (b) 86
NEWFOUNDLAND, Consolidated Statutes; Third Series (1916), Ch. 78, 10 140
NEW ZEALAND, Act of 1928, Second Schedule, 10 113
PALESTINE, Order of July 24, 1925, 6 153

PAGE

Naturalization—*Continued*
UNION OF SOUTH AFRICA, Act of 1926, 12 122
Act No. 40, Nov. 11, 1927, 2 128
COSTA RICA, Constitution of Dec. 7, 1871, Art. 6 (2) .. 185
Law of May 13, 1889, Art. 3 (3) 186
CUBA, Civil Code of 1888 to 1889, Art. 22 194
CZECHOSLOVAKIA, Law No. 236, April 9, 1920, 16 204
DANZIG, Law of May 30, 1922, 4 209
Id. 7 210
DENMARK, Law of April 18, 1925, Sec. II 214
Sec. III 215
EGYPT, Law No. 19, Feb. 27, 1929, Art. 14 228
ESTONIA, Law No. 87, Oct. 27, 1922, 2 (5) 232
FRANCE
FRENCH INDO-CHINA, Circular of June 8, 1914 277
GREATER LEBANON, Order No. 15/S, Jan. 19, 1925, Art. 5 298
SYRIA, Order No. 16/S, Jan. 19, 1925, Art. 5 302
TUNIS, Law of Dec. 20, 1923, Art. 5 295
GERMANY, Law of July 22, 1913, Secs. 3 (3), 6 306
GREECE, Law No. 391, Oct. 29, 1856, Art. 21 316
HAITI, Law of Aug. 22, 1907, Art. 9 328
HEJAZ, Law of Sept. 24, 1926, 8 331
HUNGARY, Law of Dec. 20, 1879, Arts. 2, 5 337
ICELAND, Law of Oct. 6, 1919, Art. 3 344
Law of June 15, 1926, Art. 3 346
IRAQ, Law of Oct. 9, 1924, Art. 17 351
Law of Feb. 25, 1925, Art. 4 352
ITALY, Law of June 13, 1912, Art. 10 365
Law of May 12, 1927, Art. 9 377
Law No. 1013, June 26, 1927 (Libyan), Art. 29 379
JAPAN, Law No. 66 of March 1889, as revised, Art. 5 (1) 382
LATVIA, Law of Aug. 23, 1919, 7 406
Law of June 2, 1927, VII ... 409
LITHUANIA, Law of Jan. 9, 1919, 1 (e) 417
LUXEMBURG, Civil Code of 1807, 12 420

PAGE

MEXICO, Law of May 28, 1886, Art. 1 (6) 428
MONACO, Civil Code of Nov. 6, 1913, 12 437
NETHERLANDS, Law of Feb. 10, 1910, as amended by Act of June 10, 1927, Art. 1 (3) 447
NICARAGUA, Constitution of Nov. 10, 1911, Art. 8 (2) .. 448
NORWAY, Law of Aug. 8, 1924, Sec. 3 454
PERSIA, Law of Sept. 7, 1929, Art. I, 6 473
PERU, Civil Code of 1852, Art. 41 478
POLAND, Law of Jan. 20, 1920, Art. 7 480
PORTUGAL, Civil Code of 1867, Art. 18 (6) 491
SIAM, Law of April 10, 1913, 3 (4) 524
SPAIN, Civil Laws of 1889, Art. 22 538
SWEDEN, Law No. 130, May 23, 1924, Art. 3 546
SWITZERLAND, Constitution of May 29, 1874, as amended, Art. 54, Par. 4.. 557
TURKEY, Law of May 28, 1928, Art. 13 571
VENEZUELA, Constitution of May 29, 1929, Art. 29 (4).. 640
Civil Code of July 13, 1922, Art. XXI 641

Netherland Indies
Netherland law of Feb. 10, 1910, as amended by Act of June 10, 1927, Art. 1 446
Art. 2 447

Netherlands 440

Newfoundland 137

New Zealand 104

Nicaragua 448

Non-performance of military service, expatriation by. *See* Expatriation, military service, by non-performance of.
See also Military or other obligations, liability in country of origin or naturalization; Penalties for violations of law.

Norfolk Island
Australian Act of 1920 to 1925, 5A 89

Norway 453

PAGE

Oath of allegiance to a foreign country, expatriation by taking. *See* Expatriation, oath of allegiance to a foreign country, by taking.

Oceania 292

Official, nationality of child of. *See also* Diplomatic officer, nationality of child of.
GREECE, Law No. 391, Oct. 29, 1856, Art. 14 (e) 315
LUXEMBURG, Law of Dec. 12, 1859, 1 423
PORTUGAL, Civil Code of 1867, Art. 18 (2) 490
SALVADOR, Law of April 3, 1900, Art. 4 519

Palestine 151

Panama 458

Panama Canal Zone. *See* Canal Zone.

Papua
Australian Act of 1920 to 1925, 5A 89

Paraguay 470

Parent
Loss of nationality by a, effect of, on the nationality of a child, not involving expatriation. *See* Child, loss of nationality by parent, effect of, on the nationality of, not involving expatriation.
Naturalization abroad of, or loss of nationality by, a parent, or marriage of mother to an alien, expatriation of minor through. *See* Expatriation, minor, through naturalization abroad of, or loss of nationality by, a parent, or marriage of mother to an alien.
Naturalization of, effect of, on nationality of child. *See* Child, naturalization of parent, effect of, on nationality of.
Naturalization of, naturalization of child through. *See* Naturalization, minor, through acquisition of nationality by a parent.
Naturalization of, naturalization of major child through. *See* Naturalization, major child, through acquisition of nationality by a parent.

Passports, provisions regarding
ARGENTINA, Decree of Oct. 8, 1920 12
JUGOSLAVIA, Law of Sept. 6, 1929, Art. 45 403

PAGE

UNITED STATES, Law of March 2, 1907, Sec. 1 600
URUGUAY, Decree of Jan. 21, 1921 .. 628
BIPARTITE TREATIES AND OTHER AGREEMENTS
Albania — Greece, Convention signed at Athens, October 13, 1926, Art. VIII 703
Brazil — Italy, *Modus Vivendi* negotiated at Itamaraty 709

Penalties for naturalization in, or entering the service of, a foreign country, or accompanying loss of nationality. *See also* Penalties for violations of law; Property, naturalization abroad or loss of nationality, effect of, on rights of.
BULGARIA, Law of Dec. 31, 1903, as amended, Art. 19 166
HEJAZ, Law of Sept. 24, 1926, 7 331
HAITI, Law of Aug. 22, 1907, Art. 18 330
IRAQ, Regulations of Oct. 1, 1926, 6 353
Id. 9 354
ITALY, Law No. 108, Jan. 31, 1926, Sole Article 374
JAPAN, Law No. 94, March 29, 1899 386
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 36 397
LIBERIA, Law of Jan. 6, 1908, Sec. 2 411
PERSIA, Law of Sept. 7, 1929, Art. XIV 475
TURKEY, Law of Jan. 19, 1869, Art. 6 569
Law of May 28, 1928, Art. 8 570
Art. 12 571
UNITED STATES, Law of March 3, 1865 577
Law of Aug. 22, 1912 604
PHILIPPINE ISLANDS, Act of March 26, 1920, Secs. 15, 16 622
BIPARTITE TREATY
United States — Czechoslovakia, Treaty signed July 16, 1928, Art. II 705

Penalties for violations of law. *See also* Penalties for naturalization in, or entering the service of, a foreign country; Property, naturalization abroad or loss of nationality, effect of, on rights of.
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 23 70
AUSTRALIA, Act of 1920 to 1925, 12 (8) 91
Id. 30 97
Id. 32 A 98
CANADA, Act of 1914, 32 85
NEWFOUNDLAND, Consolidated Statutes Third Series (1916), Ch. 78, 23 142
Act of 1929, IV, 7 (6) 146

PAGE

Penalties for violations of law—*Continued*
NEW ZEALAND, Act of 1928, 12.. 107
PALESTINE, Order of July 24, 1925, 22 157
UNION OF SOUTH AFRICA, Act of 1926, 24 125
DOMINICAN REPUBLIC, Law No. 1227, of Dec. 4, 1929, Art. 8... 220
IRAQ, Regulations of Oct. 1, 1926, 24 358
JUGOSLAVIA, Law of Sept. 6, 1929, Art. 45 403
Art. 333 (1) 404
LIBERIA, Law of Jan. 6, 1908, Sec. 7 412
RUMANIA, Law of Feb. 23, 1924, Art. 43 503
Art. 53 504
SPAIN, Law of July 4, 1870, Art. 28. 534
UNITED STATES, Law of June 29, 1906, as amended, Sec. 12 591
Sec. 18 595
Secs. 20–25 595
Law of March 4, 1909 602
Law of March 2, 1929, Sec. 1 610
Sec. 9 613
BIPARTITE TREATY
Germany—Switzerland, Treaty signed at Berne, Nov. 13, 1909, Art. 3 685

Persia 473

Peru 477

Philippine Islands 617

Poland 479

Political rights, exercise of, provisions regarding. *See also* Aliens, rights and duties of; Citizenship, rights of, as distinguished from nationality; Rights and duties of native or naturalized citizens.
ARGENTINA, Law No. 346, Oct. 8, 1869, Arts. 7–9 12
BELGIUM, Constitution of Feb. 7, 1831, Art. 4 28
Art. 5 29
Law of May 15, 1922, Arts. 11, 12 31
BOLIVIA, Constitution of Oct. 17, 1880, Art. 34 46
BRAZIL, Constitution of 1891, Art. 70 48
Decree No. 569, June 7, 1899, Arts. 5, 7 50
Decree No. 904, Nov. 12, 1902, Art. 2 51
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 3 63
AUSTRALIA, Act of 1920 to 1925, 11 92

PAGE

CANADA, Act of 1914, 5 77
Id. 20 82
HONGKONG, Ordinance No. 44 of 1902, as amended, 6 149
NEWFOUNDLAND, Consolidated Statutes, Third Series (1916), Ch. 78, 3 138
Id. 17, 18 141
NEW ZEALAND, Act of 1928, 10 (b) 106
Id. First Schedule, 3 109
Id. Second Schedule, 17 114
PALESTINE, Order of July 24, 1925, 8 153
UNION OF SOUTH AFRICA, Act of 1926, 6 119
SOUTHWEST AFRICA, MANDATED TERRITORY OF, Act No. 30 of 1924, 2 (2) 158
BULGARIA, Constitution of April 16–29, 1879, as amended, Arts. 60, 65 162
Law of Dec. 31, 1903, as amended, Art. 1 162
Art. 12 164
Art. 13 165
CHILE, Constitution of Sept. 18, 1925, Art. 5 (4) 170
Arts. 7–9 171
CHINA, Law of Feb. 5, 1929, Art. 9 176
Art. 18 178
COLOMBIA, Constitution of 1886, Arts. 11, 12 180
Law 145, Nov. 26, 1888, Arts. 1–15 181
COSTA RICA, Law of May 13, 1889, Art. 17 188
EGYPT, Law No. 19, Feb. 27, 1929, Art. 22 229
FRANCE, Law of Aug. 10, 1927, Art. VI 247
HAITI, Law of Aug. 22, 1907, Art. 5 328
ITALY, Law of June 13, 1912, Art. 4 364
Art. 18 367
Royal Decree No. 949, Aug. 2, 1912, Art. II 368
Law of Sept. 10, 1922, Art. III.. 371
LUXEMBURG, Constitution of Oct. 17, 1868, Arts. 9, 10 419
SPAIN, Law of July 4, 1870, Arts. 28–32 534
URUGUAY, Law of July 20, 1874, Art. 12 628

Porto Rico 623

Portugal 490

Possessions, colonies, dominions, and other territories. *See* Colonies, dominions, possessions and other territories.

PAGE

Posthumous child, nationality of
CHINA, Law of Feb. 5, 1929, Art. 1 (2) 175
JAPAN, Law No. 66, March 1899, as revised, Arts. 1, 2 382
NETHERLANDS, Law of Dec. 12, 1892, as amended, Art. 1 (b) .. 441

Power to enact nationality laws, provisions regarding. *See also* Law, particular, governing nationality.
ARGENTINA, Constitution of 1860, Art. 67 (11) 10
Art. 108 10
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 9, (2) to (4) 67
AUSTRALIA, Act of 1920 to 1925, First Schedule 9, (2) to (4) .. 103
CANADA, Act of 1914, 11, 12 ... 81
NEW ZEALAND, Act of 1928, 4 (1) 105
PALESTINE, Order of July 24, 1925, 24, 25 157
UNION OF SOUTH AFRICA, Act of 1926, 11 122
CHILE, Constitution of Sept. 18, 1925, Art. 5 (4) 170
COLOMBIA, Law 145, Nov. 26, 1888, Art. 24 183
CZECHOSLOVAKIA, Constitution of Feb. 29, 1920, Art. 4 200
Law No. 236, April 9, 1920, 18 .. 204
GERMANY, Constitution of Aug. 11, 1919, Art. 6 (3) 306
HAITI, Constitution of June 12, 1918, Art. 3 327
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 1 389
LITHUANIA, Constitution of May 15, 1928, 9 416
RUMANIA, Constitution of March 28, 1923, Art. 7 495
SWITZERLAND, Decree of June 25, 1903, Art. 6 558
UNITED STATES, Constitution of 1789, Art. 1, Sec. 8 576
PHILIPPINE ISLANDS, Treaty between the United States and Spain, Dec. 10, 1898, Art. IX 617
Law of Aug. 29, 1916, Sec. 2 ... 617
VIRGIN ISLANDS, Treaty between the United States and Denmark, Aug. 4, 1916, Art. 6 .. 625

Procedure regarding nationality and naturalization. *See* Nationality and naturalization, administrative provisions, evidence and procedure regarding.

Property,
Failure to obtain naturalization, effect of, on rights of

PAGE

AFGHANISTAN, Code of Aug. 1921, Ch. III, 94 4
BULGARIA, Law of Dec. 13, 1903, as amended, 14 165
CZECHOSLOVAKIA, Law No. 236, April 9, 1920, 8 203
Marriage, effect of, on rights of
AFGHANISTAN, Code of Aug. 1921, Ch. III, Art. 93 4
Naturalization abroad, or loss of nationality, effect of, on rights of. *See also* Penalties for naturalization in, or entering the service of, a foreign country, or accompanying loss of nationality.
AFGHANISTAN, Code of Aug. 1921, Ch. III, Art. 91 3
CHINA, Law of Feb. 5, 1929, Art. XIV 178
FRANCE
GREATER LEBANON, Ordinances Nos. 2825/2825 bis, Art. 4 300
HAITI, Law of Aug. 22, 1907, Art. 20 330
IRAQ, Law of Oct. 9, 1924, as amended, Art. 6 349
PERSIA, Law of Sept. 7, 1929, Arts. XI, XIII 475
SIAM, Law 130, May 18, 1911, Art. 15 524

Public Service
Expatriation by entering foreign. *See* Expatriation, military or other public service, by entering the, or accepting titles or decorations of, a foreign country.
Naturalization by performance of a. *See* Naturalization, public service, by performance of a.

Ratification of Treaties. *See* Treaties, ratification of.

Recognized or acknowledged child, nationality of. *See also* Illegitimate or natural child, nationality of; Legitimated or legitimized child, nationality of; Unknown parents, child born of, or of parents of unknown nationality.
ALBANIA, Civil Code, effective April 1, 1929, Art. 5 5
BELGIUM, Law of May 15, 1922, Art. 2 29
BELGIAN CONGO, Civil Code of 1892, Ch. I, Art. 4 42
BULGARIA, Law of Dec. 31, 1903, as amended, Art. 5 (1) 162
CHINA, Law of Feb. 5, 1929, Art. 2 (2), (3) 175
Art. 10 (2), (3) 177

PAGE

Recognized child—*Continued*
COSTA RICA, Law of May 13, 1889, Arts. 1 (3), 4 (4) 186
DOMINICAN REPUBLIC, Law No. 1227, Dec. 4, 1929, Art. 3 219
FRANCE, Law of Aug. 10, 1927, Art. I (4), (5) 245
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), Decree of Nov. 5, 1928, Art. 2, (4) to (6) 258
FRENCH INDO-CHINA, Decree of March 28, 1918 278
Decree of Nov. 4, 1928, Art. 7.. 280
GREATER LEBANON, Order No. 15/S, Jan. 19, 1925, Art. 2 ... 298
MADAGASCAR, Decree of Nov. 7, 1916, Art. 1 283
Art. 12 285
OCEANIA, Decree of April 24, 1919 292
SYRIA, Order No. 16/S, Jan. 19, 1925, Art. 2 301
GREECE, Law No. 391, Oct. 29, 1856, Art. 14 (d) 315
Art. 19 316
HAITI, Law of Aug. 22, 1907, Art. 2 327
Art. 3 328
ITALY, Law of June 13, 1912, Art. 2 363
JAPAN, Law No. 66, March 1899, as revised, Arts. 5 (3), 6 382
Arts. 23, 24 385
MONACO, Civil Code of Nov. 6, 1913, 8 (1) 437
NETHERLANDS, Law of Dec. 12, 1892, as amended, Art. 1 (c) 441
Art. 6 442
POLAND, Law of Jan. 20, 1920, Art. 6 480
SWITZERLAND, Civil Code of Dec. 10, 1907, Art. 325, Par. 1 560
BIPARTITE CONVENTION
Italy—Nicaragua, Convention signed at Managua, Sept. 20, 1917, Art. IX 687

Recovery of nationality
Marriage of a woman national to an alien or naturalization of her husband abroad, lost through. *See also* Death of husband, effect of, on nationality of wife; Marriage, dissolution, effect of, on nationality of wife.
AFGHANISTAN, Code of Aug. 1921, Ch. III, 89 3
Id. 90 3
ALBANIA, Civil Code, effective April 1, 1929, Arts. 15, 16.. 7
AUSTRIA, Federal Law No. 285, July 30, 1925, Paragraphs 11 (2), 13 20

PAGE

BELGIUM, Law of May 15, 1922, Art. 19 32
Transitory Provisions, 5 34
Law of Aug. 4, 1926, Art. 3 38
Art. 18 41
BOLIVIA, Civil Code of 1830, Art. 11 46
BRAZIL, Constitution of 1891, Art. 71, Par. 3 49
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 10 67
NEWFOUNDLAND, Act of 1929, V 147
NEW ZEALAND, Act of 1928, Second Schedule, 10 113
UNION OF SOUTH AFRICA, Act of 1926, 12 122
BULGARIA, Law of Dec. 31, 1903, Art. 16 165
CHINA, Law of Feb. 5, 1929, Arts. 15, 17 178
COSTA RICA, Law of May 13, 1889, Art. 5 (5) 187
CUBA, Civil Code of 1888 to 1889, Art. 22 194
DANZIG, Law of May 30, 1922, 10 211
DENMARK, Law of April 18, 1925, Sec. VIII 215
DOMINICAN REPUBLIC, Law No. 1227, Dec. 4, 1929, Art. 2, Par. 3 219
ECUADOR, Law of Oct. 18, 1921, Art. 75 224
EGYPT, Law No. 19, Feb. 27, 1929, Arts. 14, 15 228
ESTONIA, Law No. 87, Oct. 27, 1922, 2 (9) 232
Id. 14 233
FRANCE, Law of Aug. 10, 1927, Art. XIV (a) 251
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), Decree of Nov. 5, 1928, Art. 22 266
GREATER LEBANON, Order No. 15/S, Jan. 19, 1925, Art. 7 299
MOROCCO, Decree of April 20, 1920, Art. 5 289
SYRIA, Order No. 16/S, Jan. 19, 1925, Art. 7 302
TUNIS, Law of Dec. 20, 1923, Art. 8 295
GREECE, Law No. 391, Oct. 29, 1856, Art. 25 317
GUATEMALA, Law of Feb. 21, 1894, Art. 4 322
Civil Code of 1926, Art. 152.... 325
HAITI, Law of Aug. 22, 1907, Arts. 10, 11 329
HEJAZ, Law of Sept. 24, 1926, 8... 331

PAGE

Recovery of nationality—*Continued*
HUNGARY, Law of Dec. 20, 1879, Art. 37 341
Art. 41 342
ICELAND, Law of June 15, 1926, Art. 8 347
IRAQ, Law of Oct. 9, 1924, as amended, Art. 17 351
ITALY, Law of June 13, 1912, Arts. 10, 11 365
JAPAN, Law No. 66, March 1899, as revised, Arts. 25, 26 385
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 40 397
Art. 59 402
LATVIA, Law of Aug. 23, 1919, 7 .. 406
Law of June 2, 1927, VII 409
LIBERIA, Law of Feb. 8, 1922, Sec. 71 414
LUXEMBURG, Civil Code of 1807, 19 420
MEXICO, Law of May 28, 1886, Art. 2 (4) 429
MONACO, Civil Code of Nov. 6, 1913, 20 438
NETHERLANDS, Law of Dec. 12, 1892, as amended, Art. 8 444
NICARAGUA, Constitution of Nov. 10, 1911, Art. 10 (2) 449
Law of Oct. 3, 1894, Art. 2 452
PERSIA, Law of Sept. 7, 1929, Art. XII 475
PERU, Civil Code of 1852, Art. 41 478
POLAND, Law of Jan. 20, 1920, Art. 10 481
Order No. 540, Aug. 11, 1920, Art. 1 489
PORTUGAL, Civil Code of 1867, Art. 22 (4) 492
RUMANIA, Law of Feb. 23, 1924, Art. 38 502
Art. 69 508
SALVADOR, Law of April 3, 1900, Art. 2 (3) 518
SIAM, Law of April 10, 1913, 11 ... 525
SPAIN, Civil Laws of 1889, Art. 22 538
SWITZERLAND, Decree of June 25, 1903, Art. 10 558
TURKEY, Law of Jan. 19, 1869, Art. 7 569
UNITED STATES, Law of March 2, 1907, Secs. 3, 4 601
Law of Sept. 22, 1922, Sec. 4 ... 608
Sec. 6 609
BIPARTITE CONVENTION
Latvia—Lithuania, Convention signed at Riga, May 14, 1921, 2 694
Minority, lost during
AUSTRIA, Law 285, July 30, 1925, Paragraphs 11 (1), 13 20
BELGIUM, Law of May 15, 1922, Art. 19 32

PAGE

BRAZIL, Constitution of 1891, Art. 71, Par. 3 49
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 12 (2) 68
AUSTRALIA, Act of 1920 to 1925, 20 (2) 95
CANADA, Act of 1914, 15, 2 82
NEWFOUNDLAND, Consolidated Statutes; Third Series (1916), Ch. 78, 12 (2) 140
NEW ZEALAND, Act of 1928, Second Schedule, 12 (2) ... 114
UNION OF SOUTH AFRICA, Act of 1926, 14 (2) 123
Act No. 40, Nov. 11, 1927, 4 (2) 129
COSTA RICA, Law of May 13, 1889, Art. 2 186
CUBA, Civil Code of 1888 to 1889, Art. 24 194
DANZIG, Law of May 30, 1922, 10 211
DOMINICAN REPUBLIC, Law No. 1227, Dec. 4, 1929, Art. 3. ... 219
EGYPT, Law No. 19, Feb. 27, 1929, Art. 16 228
ESTONIA, Law No. 87, Oct. 27, 1922, 2 (9) 232
Id. 15, 16 234
GERMANY, Law of July 22, 1913, Sec. 11 308
HUNGARY, Law of Dec. 20, 1879, Art. 42 342
IRAQ, Law of Oct. 9, 1924, as amended, Art. 18 351
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 39 397
LUXEMBURG, Civil Code of 1807, 10 420
Law of Feb. 5, 1890, Sole Art... 424
Law of March 15, 1918, Art. 2.. 425
NETHERLANDS, Law of Dec. 12, 1892, as amended, Art. 10... 444
RUMANIA, Law of Feb. 23, 1924, Art. 46 503
SPAIN, Civil Laws of 1889, Art. 24 538
SWITZERLAND, Decree of June 25, 1903, Art. 10 558
TURKEY, Law of May 28, 1928, Art. 14 572
Miscellaneous provisions regarding
AFGHANISTAN, Code of Aug. 1921, Ch. III, Art. 88 3
BRAZIL, Decree No. 569, June 7, 1899, Art. 3 49
BRITISH EMPIRE
PALESTINE, Order of July 24, 1925, 14 (2) 156
BULGARIA, Law of Dec. 31, 1903, as amended, Art. 7 163
Art. 18 166
CHILE, Constitution of Sept. 18, 1925, Art. 6 171

PAGE

Recovery of nationality—*Continued*
CHINA, Law of Feb. 5, 1929, Arts. XVI, XVII 178
COSTA RICA, Law of May 13, 1889, Art. 3 186
Art. 5 (4) 187
CUBA, Constitution of Feb. 21, 1901, Art. 8 192
Civil Code of 1888 to 1889, Arts. 21, 22 194
ECUADOR, Constitution of March 26, 1929, Art. 11 222
FRANCE, Law of Aug. 10, 1927, Art. XI 250
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), Decree of Nov. 5, 1928, Art. 11 263
MOROCCO, Decree of April 29, 1920, Art. 4 288
TUNIS, Law of Dec. 20, 1923, Art. 7 295
GERMANY, Law of July 22, 1912, Sec. 13 308
Secs. 30, 31 311
GREECE, Law No. 391, Oct. 29, 1856, Arts. 26–28 317
GUATEMALA, Law of Feb. 21, 1894, Art. 4 322
Art. 7 323
HUNGARY, Law of Dec. 20, 1879, Arts. 38–40 341
ITALY, Law of June 13, 1912, Art. 9 364
JAPAN, Law No. 66, March 1899, as revised, Art. 26 385
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 38 397
Art. 57 401
LATVIA, Law of June 2, 1927, IV, Observation 4 408
LITHUANIA, Law of June 9, 1922, 6 418
LUXEMBURG, Civil Code of 1807, 18 420
Law of Jan. 27, 1878, 3 424
Law of March 15, 1918, Art. 2 425
MONACO, Civil Code of Nov. 6, 1913, 18 438
NETHERLANDS, Law of Dec. 12, 1892, as amended, Art. 7 (5), Note 443
Law of Feb. 10, 1910, as amended by Act of June 10, 1927, Art. 2 (4) 447
NICARAGUA, Constitution of Nov. 10, 1911, Art. 10 (1) 449
NORWAY, Law of Aug. 8, 1924, Sec. 4 454
Sec. 13 456
PANAMA, Constitution of Feb. 13, 1904, Art. 7 (4) 458

PAGE

Law of Aug. 22, 1916, effective July 1, 1917, Art. 139 462
PARAGUAY, Law No. 559, Nov. 14, 1923, Art. 1 472
PERSIA, Law of Sept. 7, 1929, Art. XV 476
PERU, Constitution of Dec. 27, 1919, Art. 64 478
PORTUGAL, Civil Code of 1867, Art. 22 (1), (2) 491
RUMANIA, Law of Feb. 23, 1924, Art. 10 498
Arts. 37, 41 502
Arts. 44, 45 503
RUSSIA, Law of Dec. 15, 1921, 2 .. 511
Decree No. 202, Oct. 29, 1924, 6, Note 2 513
Law No. 581, Nov. 13, 1925, 2 514
SPAIN, Civil Laws of 1889, Arts. 21, 23 538
SWEDEN, Law No. 130, May 23, 1924, Art. 4 546
Art. 13 549
SWITZERLAND, Decree of June 25, 1903, Art. 10 558
TURKEY, Law of May 28, 1928, Art. 14 572
UNITED STATES, Law of June 29, 1906, as amended, Sec. 4, Twelfth 588
URUGUAY, Constitution of Jan. 3, 1918, Art. 13 628
VENEZUELA, Law of July 13, 1928, Art. 7 642
MULTIPARTITE TREATIES AND OTHER AGREEMENTS
Convention signed at Rio de Janeiro, Aug. 13, 1906, Art. I 645
Annex to the Treaty signed at Habana, Feb. 20, 1928, Art. 15 654
BIPARTITE CONVENTION
Great Britain—United States, Convention signed at London, May 13, 1870, Art. III 670

Renunciation of nationality. *See also* Dual nationality, provisions resulting in, preventing or terminating; Election of nationality.
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 5 (1) 64
Id. 7 a (1) (a) 66
Id. 15 68
Id. 16 69
AUSTRALIA, Act of 1920 to 1925, 10 (1) 91
Id. 13 94
Id. 22, 23 96
Id. 35 98

PAGE

Renunciation of nationality—*Continued*
Id. First Schedule, 5 (1).... 100
Id. 7A (1) (a)..... 102
BRITISH INDIA, Act No. 7, Feb. 26, 1926, 10..... 135
CANADA, Act of 1914, 7 (1)..... 78
Id. 10 (1) (a)..... 80
Id. 18..... 82
Act of 1921, 3..... 86
NEWFOUNDLAND, Consolidated Statutes, Third Series; (1916) Ch. 78, 5 (1)..... 139
Id. 14..... 140
Id. 15..... 141
Act of 1929, IV, 7A (1) (a).... 147
NEW ZEALAND, Act of 1928, First Schedule, 5 (1)..... 109
Id. First Schedule, 7A (1) (a) 111
Id. Second Schedule, 15.... 114
PALESTINE, Order of July 24, 1925, 9 (1)..... 153
Id. 11 (1) (a)..... 155
UNION OF SOUTH AFRICA, Act of 1926, 5 (1)..... 118
Id. 8 (1) (a)..... 121
Act No. 40, Nov. 11, 1927, 5.. 129
BULGARIA, Law of Dec. 31, 1903, as amended, Art. 17..... 166
DANZIG, Law of May 30, 1922, 18 to 22..... 211
DENMARK, Law of March 25, 1871 214
Law of April 18, 1925, Sec. VII.. 215
FRANCE
TUNIS, Law of Dec. 20, 1923, Arts. 1, 2..... 293
IRAQ, Law of Oct. 9, 1924, as amended, Art. 14..... 350
Art. 17..... 351
Law of Feb. 25, 1925, Arts. 3, 4 352
Law of 1928, Art. 3..... 360
LUXEMBURG, Law of March 15, 1918, Art. 2..... 425
POLAND, Regulations of July 13, 1920, Art. 8..... 488
RUSSIA, Decree No. 202, Oct. 29, 1924, 12 (b)..... 514
SWITZERLAND, Civil Code of Dec. 10, 1907, Art. 422, Figure 2... 561
MULTIPARTITE CONVENTION signed at Rio de Janeiro, Aug. 13, 1906, Art. I..... 645

Repeal of previous laws
ARGENTINA, Law No. 346, Oct. 8, 1869, Art. 13..... 12
AUSTRIA, Law of Dec. 5, 1896, Art. 1 15
Federal Law No. 285, July 30, 1925, Par. 8..... 19
Federal Law No. 286, July 30, 1925, Par. 8..... 24
BELGIUM, Law of May 15, 1922, Art. 24..... 33

PAGE

BRAZIL, Decree No. 569, June 7, 1899, Art. 8..... 50
Decree No. 904, Nov. 12, 1902, Art. 16..... 53
Decree No. 1805, Dec. 12, 1907, Art. 4..... 53
Art. 7..... 54
Decree No. 2004, Nov. 26, 1908, Art. 4..... 58
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 28 (1)..... 71
Id. Third Schedule..... 72
AUSTRALIA, Act of 1920 to 1925, 3 88
BRITISH INDIA, Act No. 7, Feb. 26, 1926, 15..... 136
Id. The Schedule..... 136
NEWFOUNDLAND, Act of 1929, I (1)..... 144
Id. IV..... 145
Id. VI, VII..... 147
NEW ZEALAND, Act of 1928, 15... 107
UNION OF SOUTH AFRICA, Act of 1926, 31..... 127
SOUTHWEST AFRICA, MANDATED TERRITORY OF, Act. No. 27, June 7, 1928, 3..... 160
BULGARIA, Law of Dec. 31, 1903, as amended, Art. 5..... 162
Art. 8..... 163
Art. 13..... 165
Art. 38..... 169
CHILE, Law No. 747, Dec. 15, 1925, Art. 12..... 173
COLOMBIA, Law 145, Nov. 26, 1888, Art. 15..... 182
Arts. 23, 25..... 183
COSTA RICA, Law of May 13, 1889, Art. 15..... 188
CUBA, Law No. 859, Aug. 26, 1908, Art. 12..... 199
DANZIG, Law of May 30, 1922, 25.. 212
DENMARK, Law of April 18, 1925, Sec. IX..... 216
DOMINICAN REPUBLIC, Law No. 1227, Dec. 4, 1929, Art. 8..... 220
ECUADOR, Law of Oct. 18, 1921, as amended, Art. 80..... 224
EGYPT, Law No. 19, Feb. 27, 1929, Art. 25..... 230
ESTONIA, Law No. 87, Oct. 27, 1922, 24..... 235
FINLAND, Law of Feb. 20, 1920, 8... 238
FRANCE, Law of Aug. 10, 1927, Art. XIII..... 251
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), Decree of Nov. 5, 1928, Art. 27..... 268
ALGERIA, Senatus-Consultum of July 14, 1865, Arts. 2, 4, 5... 269
Decree of Oct. 24, 1870, re Mussulmans, Art. 5..... 270

PAGE

Repeal of previous laws—*Continued*
SYRIA, Order No. 16/S, Jan. 19, 1925, Art. 12 302
TUNIS, Law of Dec. 20, 1923, Art. 15 297
GERMANY, Law of July 22, 1913, Sec. 37 312
GREECE, Law of Oct. 15, 1927, Art. 1 320
HAITI, Law of Aug. 22, 1907, Art. 24 330
HONDURAS, Law No. 31, Feb. 4, 1926, Art. 51 336
HUNGARY, Law of Dec. 20, 1879, Art. 48 343
ICELAND, Law of June 15, 1926, Art. 9 347
IRAQ, Law of Feb. 25, 1925, Art. 2 351
Art. 6 352
ITALY, Law of June 13, 1912, Art. 17 366
JAPAN, Regulations (Ordinance No. 26) of Nov. 17, 1924, Supplementary Provisions 386
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 61 402
LIBERIA, Law of Jan. 6, 1908, Sec. 9 413
LUXEMBURG, Law of Jan. 27, 1878, 3 424
NETHERLANDS, Law of Dec. 12, 1892, as amended, Final Stipulations 446
NORWAY, Law of Aug. 8, 1924, Sec. 17 457
PARAGUAY, Constitution of Nov. 25, 1870, Art. 29 470
PORTUGAL, Decree of Dec. 2, 1910, Art. 6 494
RUMANIA, Law of Feb. 23, 1924, Art. 54 504
SPAIN, Law of July 4, 1870, Art. 56 537
Royal Decree of Nov. 6, 1916, Art. 13 543
SWEDEN, Law No. 130, May 23, 1924, Art. 15 550
SWITZERLAND, Decree of June 25, 1903, Art. 15 560
TURKEY, Law of May 28, 1928, Art. 15 572
UNITED STATES, Law of June 29, 1906, as amended,
Sec. 4, Eleventh, Twelfth ... 587
Sec. 26 596
Law of May 9, 1918, Sec. 2 ... 605
Law of Sept. 22, 1922, Secs. 6, 9 609
Law of May 25, 1926 610
Law of March 2, 1929, Sec. 6 (e) 613
PHILIPPINE ISLANDS, Law of Aug. 29, 1916, Sec. 31 618
URUGUAY, Law of Feb. 1, 1928, Art. 30 634
VENEZUELA, Law of July 13, 1928, Art. 2 641

PAGE

Residence
Aliens, of, designation of place for. *See also* Domicile or residence.
AFGHANISTAN, Code of Aug. 1921, Ch. III, Art. 96 4
SPAIN, Law of July 4, 1870, Arts. 20, 21 534
Nationality and naturalization, effect of residence on. *See* Domicile or residence.

Retention of nationality. *See* Election of nationality.

Retroactive effect, provisions resulting in, or preventing
BELGIUM, Law of May 15, 1922, Art. 20 32
Transitory Provisions, 6 (5) .. 34
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 1 (3) 63
Id. 7 (6) 66
Id. 9 (4) 67
AUSTRALIA, Act of 1920 to 1925, 6 (3) 90
Id. First Schedule, 7 (6) 101
Id. First Schedule, 9 (4) 103
BRITISH INDIA, Act. No. 7, Feb. 26, 1926, 8 (6) 134
CANADA, Act of 1914, 3 (3) 76
Id. 9 (7) 80
NEWFOUNDLAND, Consolidated Statutes; Third Series (1916) Ch. 78, 1 (3) 137
Id. 7 (1) 139
Act of 1929, VII 147
NEW ZEALAND, Act of 1928, 10 (b) 106
Id. 15 (2) 108
Id. Second Schedule, 1 (3) .. 113
UNION OF SOUTH AFRICA, Act of 1926, 1 (3) 117
Id. 7 (7) 121
SOUTHWEST AFRICA, MANDATED TERRITORY OF, Act. No. 30 of 1924, 3 159
BULGARIA, Law of Dec. 31, 1903, as amended, Art. 37 169
COSTA RICA, Law of May 13, 1889, Art. 12 188
CZECHOSLOVAKIA, Law No. 236, April 9, 1920, 6 202
Law No. 152, July 1, 1926, Sec. 6 207
DENMARK, Law of April 18, 1925, Sec. VIII 215
EGYPT, Law No. 19, Feb. 27, 1929, Art. 18 229
ESTONIA, Law No. 87, Oct. 27, 1922, 17 234
FRANCE, Law of Aug. 10, 1927, Art. X 250

PAGE

Retroactive effect—*Continued*
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), Decree of Nov. 5, 1928,
Arts. 10, 12 263
Arts. 24, 25 268
FRENCH INDO-CHINA, Decree of Nov. 4, 1928, Art. 4 279
GUATEMALA, Law of Feb. 21, 1894, Art. 91 324
HUNGARY, Law of Dec. 20, 1879, Art. 48 343
ICELAND, Law of Oct. 6, 1919, Art. 11 345
Law of June 15, 1926, Art. 8 347
ITALY, Law of June 13, 1912, Art. 19 367
Decree No. 949, Aug. 2, 1912, Art. X 369
Decree No. 1781, Oct. 16, 1924, Art. 1 372
JAPAN, Regulations (Ordinance No. 26) of Nov. 17, 1924, Supplementary Provisions 388
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 18 393
Art. 62 402
LUXEMBURG, Civil Code of 1807, 20 421
Law of Dec. 12, 1859, 5 423
MEXICO, Law of May 28, 1886, Art. 24 433
MONACO, Civil Code of Nov. 6, 1913, 21 439
PARAGUAY, Constitution of Nov. 25, 1870, Art. 32 470
PORTUGAL, Civil Code of 1867, Art. 23 492
Decree of March 28, 1911 494
RUMANIA, Constitution of March 28, 1923, Art. 7 495
Law of Feb. 23, 1924, Art. 32 ... 501
Art. 61 506
SALVADOR, Law of April 3, 1900, Art. 18 521
UNITED STATES, Law of June 29, 1906, as amended, Sec. 8 590
Sec. 15 593
Law of May 9, 1918, Sec. 2 605
Law of Sept. 22, 1922, Secs. 6, 7 .. 609
Law of May 25, 1926 610
BIPARTITE TREATY
North German Union—United States, Treaty signed at Berlin, February 22, 1868, Art. I 660

Right of expatriation, recognition of, under treaties. *See* Expatriation, right of, recognition under treaties.

PAGE

Rights and duties
Aliens, of. *See* Aliens, rights and duties of.
See also Citizenship, rights of, as distinguished from nationality; Political rights, exercise of, provisions regarding; Property; Rights and duties of native or naturalized citizens.
Native or naturalized citizens, of. *See also* Aliens, rights and duties of; Citizenship, rights of, as distinguished from nationality; "Heimatrecht"; Political rights, exercise of, provisions regarding; Property.
BELGIUM, Constitution of Feb. 7, 1831, Art. 5 29
Law of May 15, 1922, Art. 11 31
BELGIAN CONGO, Civil Code of 1892, Ch. I, 6 42
Order of March, 1901, 4 43
BOLIVIA, Constitution of Oct. 17, 1860, Art. 33 45
Art. 34 46
BRAZIL, Decree No. 904, Nov. 12, 1902, Art. 2 51
Regulations re Decree No. 6948, May 14, 1908, Art. 2 54
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 3 63
AUSTRALIA, Act of 1920 to 1925, 11 92
First Schedule, 3 100
CANADA, Act of 1914, 5 77
HONGKONG, Ordinance No. 44 of 1902, as amended, 6 149
NEWFOUNDLAND, Consolidated Statutes; Third Series (1916) Ch. 78, 3 138
NEW ZEALAND, Act of 1928, First Schedule, 3 109
PALESTINE, Order of July 24, 1925, 8 153
SOUTHWEST AFRICA, MANDATED TERRITORY OF, Act No. 30 of 1924, 2 (2).. 158
BULGARIA, Constitution of April 16 to 29, 1879, as amended, Arts. 60, 65 162
Law of Dec. 31, 1903, as amended, Art. 1 162
Arts. 12–14 164
COSTA RICA, Law of May 13, 1889, Art. 13 188
ECUADOR, Constitution of March 26, 1929, Art. 12 222
FRANCE, Law of Aug. 10, 1927, Art. VI 247
Art. XIV (c) 251

PAGE

Rights and duties—*Continued*
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), Decree of Nov. 5, 1928, Art. 1 258
Arts. 6 (3), 7 261
Art. 12 263
Art. 25 268
ALGERIA, Senatus-Consultum of July 24, 1865, Art. 1 269
MADAGASCAR, Decree of March 3, 1909, Art. 1 281
GERMANY, Constitution of Aug. 11, 1919, Art. 110 306
GREECE, Law No. 391, Oct. 29, 1856, Arts. 9–12 315
Art. 29 317
Law of Sept. 13, 1926, confirmed by Law of Aug. 12, 1927, Art. 6 319
HONDURAS, Law No. 31, Feb. 4, 1926, Art. 8 335
HUNGARY, Law of Dec. 20, 1879, Art. 15 338
Art. 18 339
Art. 44 342
IRAQ, Law of Oct. 9, 1924, as amended, Art. 12 350
JAPAN, Law No. 66, March 1899, as revised, Arts. 16, 17 ... 384
LITHUANIA, Constitution of May 15, 1928, 9, 11 416
LUXEMBURG, Law of Nov. 12, 1848, as amended 421
MEXICO, Law of May 28, 1886, Art. 9 430
Arts. 25, 29 433
MONACO, Civil Code of Nov. 6, 1913, 7 436
Id. 15 438
PANAMA, Constitution of Feb. 13, 1904, Arts. 8, 10 459
PARAGUAY, Constitution of Nov. 25, 1870, Arts. 30, 31, 34 .. 470
Arts. 35 (4), 38, 39 471
PERSIA, Law of Sept. 7, 1929, Art. VII 474
PERU, Constitution of Dec. 27, 1919, Art. 61 477
Arts. 65–67 478
PORTUGAL, Decree of Dec. 2, 1910, Art. 3 493
Decree of March 28, 1911 494
RUMANIA, Constitution of March 28, 1923, Art. 7 495
Art. 8 496
Law of Feb. 23, 1924, Art. 6 .. 497
Art. 33 501
SALVADOR, Law of April 3, 1900, Art. 8 519
Art. 9 520
Art. 20 521

PAGE

SIAM, Law 130, May 18, 1911, 11. 523
Id. 14 524
SWITZERLAND, Constitution of May 29, 1874, as amended, Art. 44 556
UNITED STATES, Law of July 27, 1868, R. S. 1878, Secs. 2000, 2001 578
Law of March 2, 1907, Sec. 6.. 601

Rumania 495

Russia. *See* Union of Soviet Socialist Republics.

Salvador 516

Samoa
United States, Editors' Note.... 574

Satmar
Rumanian Law of Feb. 23, 1924, Art. 56 505

Ships, nationality of children born on
ARGENTINA, Law No. 346, Oct. 8, 1869, Art. 1, par. 3 10
Art. 1, par. 5 11
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended 1 (1) (c) 62
Id. 1 (2) 63
AUSTRALIA, Act of 1920—1925, 6 (1) (c) 89
Id. 6 (2) 90
CANADA, Act of 1914, 3 (1) (c), 3 (2) 76
NEWFOUNDLAND, Consolidated Statutes; Third Series (1916), Ch. 78, 1 (1) (c) 137
NEW ZEALAND, Act of 1928, Second Schedule, 1 (1) (c), (2).. 112
UNION OF SOUTH AFRICA, Act of 1926, 1 (1) (c), (2) 116
GUATEMALA, Law of Feb. 21, 1894, Art. 2 322
HONDURAS, Law No. 31, Feb. 4, 1926, Art. 2 334
MEXICO, Law of May 28, 1886, Art. 3 430
SALVADOR, Law of April 3, 1900, Art. 3 519
SPAIN, Royal Decree of Nov. 17, 1852, Art. 1 (5) 530
Law of July 4, 1870, Art. 1 (6).... 531

Siam 522

Sisters, nationality of, in Vatican City
Law of June 7, 1929, 2, 3 636
Id. 5, 6, 9 637

Sonthal Parganas
British Indian Act No. 7, Feb. 26, 1926, 1 (2) 131

PAGE

South Africa, Union of 116

Southwest Africa, Mandated territory of 158

Spain 526

Stateless person, provisions regarding
ALBANIA, Civil Code, effective April 1, 1929, Art. 19 8
FINLAND, Law of June 17, 1927, 7... 240
ICELAND, Law of Oct. 6, 1919, Art. 9 (2) 345
ITALY, Law of June 13, 1912, Art. 14 366
Law No. 1013, June 26, 1927 (Libyan), Arts. 29, 30..... 379
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 47 398
LATVIA, Law of June 2, 1927, IV.... 408
MULTIPARTITE TREATIES AND OTHER AGREEMENTS
Treaty signed at Versailles, June 28, 1919, Poland and the Principal Allied and Associated Powers, Art. 6..... 646
Treaty signed at St. Germain-en-Laye, Sept. 10, 1919, Allied and Associated Powers and Austria, Arts. 64, 65..... 647
Treaty signed at St. Germain-en-Laye, Sept. 10, 1919, Principal Allied and Associated Powers and the Serb-Croat-Slovene State, Art. 6..... 648
Treaty signed at St. Germain-en-Laye, Sept. 10, 1919, Principal Allied and Associated Powers and Czechoslovakia, Art. 6..... 648
Treaty signed at Neuilly-sur-Seine, Nov. 27, 1919, Allied and Associated Powers and Bulgaria, Art. 51 648
Art. 52 649
Treaty signed at Paris, December 9, 1919, Principal Allied and Associated Powers and Rumania, Art 6..... 649
Treaty signed at Trianon, June 4, 1920, Allied and Associated Powers and Hungary, Arts. 56, 57 649

Surinam
Netherland, Law of Feb. 10, 1910, as amended by Act of June 10, 1927, Art. 1 446
Art. 2 447

Suspension of nationality because of bad character, disloyalty, fraud, misrepresentation or other causes. *See* Forfeiture or suspension of nationality because of bad character, disloyalty, fraud, misrepresentation or other causes.
See also Denial of naturalization because of bad character, disloyalty, fraud, misrepresentation or other causes.

PAGE

Sweden 545

Switzerland 555

Syria 301

Taxation or non-taxation of aliens. *See* Aliens, taxation or non-taxation of.

Titles, expatriation by accepting foreign. *See* Expatriation, military or other public service, by entering the, or accepting titles or decorations of, a foreign country.

Titles of acts
BRITISH EMPIRE
GREAT BRITAIN, Act of 1914, as amended, 28 (2) 72
AUSTRALIA, Act of 1920 to 1925, 1 88
BRITISH INDIA, Act. No. 7, Feb. 26, 1926, 1 (1) 131
CANADA, Act of 1910, 1..... 73
Act of 1914, 1..... 75
Act of 1921, 1 Ch. 93, 1..... 86
HONGKONG, Ordinance No. 44 of 1902, as amended, 1 149
NEWFOUNDLAND, Act of 1929, VIII..... 148
NEW ZEALAND, Act of 1928, 1.... 104
PALESTINE, Order of July 24, 1925, 27..... 157
UNION OF SOUTH AFRICA, Act of 1926, 32..... 127
SOUTHWEST AFRICA, MANDATED TERRITORY OF, Act No. 30 of 1924, 4..... 159
Act No. 27, June 7, 1928, 4... 160
IRAQ, Law of Oct. 9, 1924, as amended, Art. 1..... 348
Law of Feb. 25, 1925, Art. 1..... 351
Ordinance of Oct. 28, 1926, Art. 1 (A)..... 358
Regulation of July 3, 1927, Art. 1 359
Law of 1928, Art. 1..... 360
SIAM, Law 130, May 18, 1911, 1.... 522
Law of April 10, 1913, 1..... 524

Transylvania
Rumanian Law of Feb. 23, 1924, Art. 56..... 505

Treaties
Bipartite..... 656
Denunciation of. *See also* Treaties, modification of.

PAGE

Treaties—*Continued*
MULTIPARTITE TREATIES AND OTHER AGREEMENTS
Convention signed at Rio de Janeiro, Aug. 13, 1906, Arts. III, IV 645
Treaty signed at Habana, Feb. 20, 1928, Arts. 8, 9 652
BIPARTITE TREATIES AND OTHER AGREEMENTS
Belgium—France, Convention signed at Paris, Sept. 12, 1928, Art. VII 707
Belgium—France, Convention signed at Paris, Sept. 12, 1928, Art. X 708
Election of nationality under, or under provisions regarding. *See* Election of nationality, under treaties or under provisions regarding treaties.
Expatriation, recognition of right of, under. *See* Expatriation, right of, recognition under treaties.
Modification of. *See also* Treaties, denunciation of.
The Danish-Icelandic Act of Union, Nov. 30, 1918, VI, Sec. 18 690
Multipartite 645
Nationality and naturalization under, provisions in statutes in cases other than those of election. *See* Nationality and naturalization under treaties. Provisions in statutes, in cases other than those of election.
Ratification of
MULTIPARTITE TREATIES AND OTHER AGREEMENTS
Convention signed at Rio de Janeiro, August 13, 1906, Art. III 645
Treaty signed at Habana, Feb. 20, 1928, Arts. 5, 6, 9 652
BIPARTITE CONVENTION
Albania—Greece, Convention signed at Athens, Oct. 13, 1926, Art. VIII 703

Tunis 293

Turkey 567

Union of Soviet Socialist Republics ... 510

United States of America 573

Unknown parents, child born of, or of parents of unknown nationality. *See also* Foundlings, nationality of; Illegitimate or natural child, nationality of; Legitimated or legitimized child, nationality of; Recognized or acknowledged child, nationality of.

PAGE

ALBANIA, Civil Code, effective April 1, 1929, Art. 4 (2), (3) .. 5
BELGIUM, Law of May 15, 1922, Art. 1 (2) 29
BELGIAN CONGO, Civil Code of 1892, Ch. I, 4 42
BRITISH EMPIRE
PALESTINE, Order of July 24, 1925, 3 (c) 152
BULGARIA, Law of Dec. 31, 1903, as amended, Art. 5 (3) 163
CHINA, Law of Feb. 5, 1929, Art. 1 (3), (4) 175
Art. 2 (3) 175
Art. 10 (3) 177
COSTA RICA, Law of May 13, 1889, Art. 1 (4) 186
DANZIG, Law of May 30, 1922, 2 ... 209
EGYPT, Law No. 19, Feb. 27, 1929, Art. 6 (3) 227
FRANCE, Law of Aug. 10, 1927, Art. 1 (7) 245
FRENCH COLONIES (OTHER THAN GUADELOUPE, MARTINIQUE AND RÉUNION), Decree of Nov. 5, 1928, Art. 2 (7) 258
FRENCH INDO-CHINA, Decree of Nov. 4, 1928, Arts. 1, 2 279
GREATER LEBANON, Order No. 15/S, Jan. 19, 1925, Art. 1 (3) 298
SYRIA, Order No. 16/S, Jan. 19, 1925, Art. 1 (3) 301
TUNIS, Decree of June 19, 1914, Sole Article (2) 293
GREECE, Law No. 391, Oct. 29, 1856, Art. 14 (c) 315
HAITI, Law of Aug. 22, 1907, Art. 3 328
ICELAND, Law of Oct. 6, 1919, Art. 8 345
ITALY, Law of June 13, 1912, Art. 1 (3) 363
Law of May 12, 1927, Art. 11 378
Law No. 1013, June 26, 1927 (Libyan), Art. 29 379
JAPAN, Law No. 66, March 1899, as revised, Arts. 3, 4 382
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 9 391
Art. 53 (10) 400
LATVIA, Law of June 2, 1927, VII, Observation 2 409
MEXICO, Law of May 28, 1886, Art. 1 (2), (4) 427
MONACO, Civil Code of Nov. 6, 1913, 8 (2) 437
NETHERLANDS, Law of Feb. 10, 1910, as amended by Act of June 10, 1927, Art. 1 (1), (2) .. 446
PERSIA, Law of Sept. 7, 1929, Art. I, 3 473
POLAND, Law of Jan. 20, 1920, Art. 5 480

PAGE

Unknown parents—*Continued*
PORTUGAL, Civil Code of 1867, Art. 18 (4) 491
SALVADOR, Law of April 3, 1900, Art. 2 (2) 518
TURKEY, Law of May 28, 1928, Art. 2 (a), (b) 570
BIPARTITE CONVENTION
Italy-Nicaragua, Convention signed at Managua, Sept. 20, 1917, Art. II 686
Art. IV 687

Uruguay 627

Vatican City 636

"Vecindad," effect of, on nationality. *See* Local citizenship, provisions regarding.

Venezuela 639

Virgin Islands 625

Western Samoa
New Zealand, Act of 1928, 7 105

Widows, election of nationality by. *See* Election of nationality, married women, divorcees or widows, by.
See also Death of husband, effect of, on nationality of wife; Marriage, dissolution of, effect of, on nationality of wife; Renunciation of nationality.

Wife. *See also* Widows; Woman.
Death of husband, effect of, on nationality of. *See* Death of husband, effect of, on nationality of wife.
Divorce, effect of, on nationality of. *See* Death of husband, effect of, on nationality of wife; Marriage, dissolution of, effect of, on nationality of wife; Recovery of nationality, marriage of a woman national to an alien or naturalization of her husband abroad, lost through.
Effect of loss of nationality by husband on the nationality of the, not involving expatriation. *See also* Expatriation, wife, through husband's acquisition of foreign nationality or loss of nationality.
GREECE, Law No. 391, Oct. 29, 1856, Art. 24 317

PAGE

HAITI, Law of Aug. 22, 1907, Art. 15 329
ITALY, Law No. 108, Jan. 31, 1926, Sole Article 374
JUGOSLAVIA, Law of Sept. 21, 1928, Art. 34 396
PORTUGAL, Civil Code of 1867, Art. 22 (4), Sec. 1 492
RUMANIA, Law of Feb. 23, 1924, Art. 42 503
Election of nationality by. *See* Election of nationality, married women, divorcees or widows, by.
Expatriation of, through husband's acquisition of foreign nationality or loss of nationality. *See* Expatriation, wife, through husband's acquisition of foreign nationality or loss of nationality.
See also Wife, effect of loss of nationality by husband on the nationality of the, not involving expatriation.
Loss of nationality by husband, effect of, on the nationality of the. *See* Wife, effect of loss of nationality by husband on the nationality of the.
Marriage, dissolution of, effect of, on nationality of. *See* Marriage, dissolution of, effect of, on nationality of wife.
Marriage, effect of, on nationality. *See* Marriage, effect of, on nationality.
See also Marriage.
Naturalization of husband, effect of, on nationality of wife. *See* Naturalization, husband, effect of, on nationality of wife.
See also Naturalization, wife, through acquisition of nationality by husband.
Naturalization of, through acquisition of nationality by husband. *See* Naturalization, wife, through acquisition of nationality by husband.
See also Naturalization, husband, effect of, on nationality of wife.
Recovery of nationality lost by, through naturalization of her husband abroad. *See* Recovery of nationality, marriage of a woman national to an alien or naturalization of her husband abroad, lost through.

PAGE

Woman. *See also* Widows; Wife.
Alien, marriage to a national, effect of, on her nationality. *See* Marriage, alien woman to a national, effect of, on her nationality.
See also Naturalization, woman, through marriage.
Alien, naturalization of, through marriage. *See* Naturalization, woman, through marriage.
See also Marriage, alien woman to a national, effect of, on her nationality.
Divorce, effect of, on nationality of a. *See* Death of husband, effect of, on nationality of wife; Marriage, dissolution of, effect of, on nationality of wife; Recovery of nationality, marriage of a woman national to an alien or naturalization of her husband abroad, lost through.
Election of nationality by a married. *See* Election of nationality, married women, divorcees or widows, by.
Expatriation of a woman national by marriage to an alien. *See* Expatriation, woman national, by marriage to an alien.
Marriage, effect of, on nationality. *See* Marriage, effect of, on nationality.
See also Marriage.
National, loss of her nationality by marriage to an alien. *See* Expatriation, woman national, by marriage to alien.
National, recovery of nationality lost by, through marriage to an alien or naturalization of her husband abroad. *See* Recovery of nationality, marriage of a woman national to an alien or naturalization of her husband abroad, lost through.
Naturalization of, through marriage. *See* Naturalization, woman, through marriage.
See also Marriage.
Recovery of nationality lost by woman national through marriage to an alien or naturalization of her husband abroad. *See* Recovery of nationality, marriage of a woman national to an alien or naturalization of her husband abroad, lost through.

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